

**DISTRICT COURT, PUEBLO COUNTY, STATE OF
COLORADO**

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Pueblo, CO 81003

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**PUEBLO EDUCATION ASSOCIATION; SUZANNE
ETHREDGE; and ROBERT DONOVAN**

Plaintiffs,

▲ COURT USE ONLY ▲

v.

**COLORADO STATE BOARD OF EDUCATION and
PUEBLO SCHOOL DISTRICT NO. 60 BOARD OF
EDUCATION,**

Defendants.

Case Number:

Courtroom:

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**COMPLAINT AND
REQUEST FOR DECLARATORY JUDGMENT**

The Plaintiffs, Pueblo Education Association, Suzanne Ethredge, and Robert Donovan, by and through their attorneys, Kris Gomez, Brooke M. Copass, and Erik G. Bradberry of the Colorado Education Association, hereby file this Complaint and Request for Declaratory

Judgment against the Colorado State Board of Education and Pueblo School District No. 60 Board of Education, and state in support thereof as follows:

NATURE OF THE ACTION

This is a complaint for declaratory and injunctive relief in which the Plaintiffs challenge recent actions taken by both Defendants. Filed simultaneously herewith is a Motion for Preliminary Injunction. In both pleadings, the Plaintiffs allege that the Colorado State Board of Education exceeded its constitutional and statutory authority by, for example, ordering a local school board to assign complete managerial authority over one of its public schools to a private, for-profit, entity. The Plaintiffs further allege that the Pueblo School District No. 60 Board of Education failed to perform its constitutional and statutory duties by, *inter alia*, willfully abdicating control over one of its public schools while committing hundreds of thousands of public dollars to the private entity now tasked with carrying out the functions that Pueblo voters elected their local school board members to fulfill.

PARTIES

1. Plaintiff Pueblo Education Association (“PEA” or “Association”) is a membership organization comprised of teachers and other licensed professional and non-management employees of Pueblo School District No. 60 (“School District”). PEA is the sole and exclusive bargaining agent for teachers, counselors, and nurses employed by the School District, and is a party to a collective bargaining agreement with the School District’s Board of Education. PEA has standing to sue on behalf of its members because those members have standing to sue in their own right; because PEA’s interests in preserving the rights of its members and ensuring that public schools are operated in a lawful manner are germane to its organizational mission; and because the relief requested in this lawsuit does not require the participation of individual members.

2. Plaintiff Suzanne Ethredge is a teacher employed by the School District, and who serves as the President of PEA. Ms. Ethredge resides in Pueblo, Colorado and pays taxes to the School District.

3. Plaintiff Robert Donovan is a teacher employed by the School District. Mr. Donovan teaches 8th grade social studies at one of the School District’s schools, Risley International Academy of Innovation, which lies at the center of the instant controversy. Mr. Donovan resides in Pueblo, Colorado and pays taxes to the School District.

4. Defendant Colorado State Board of Education (“State Board”) is the elected body, duly constituted and existing pursuant to applicable Colorado laws, with general supervisory authority over the public schools of the state. The business address and office of the State Board is located in the City and County of Denver, State of Colorado.

5. Defendant Pueblo School District No. 60 Board of Education (“Local Board”) is the elected body, duly constituted and existing pursuant to applicable Colorado laws, with overall authority for the operation and management of the School District, which includes providing an instructional program to the School District’s students and employing the personnel necessary to deliver the same. The Local Board’s schools and administrative offices are located in the City and County of Pueblo, State of Colorado.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this matter pursuant to Article VI, § 9 of the Colorado Constitution. In addition, this Court is authorized to review “any agency action” affecting any person bringing a request for judicial review of an agency action which has become effective within the thirty-five days preceding the request. Colo. Rev. Stat. § 24-4-106(4) (2018).

7. The State Board resides in the City and County of Denver. The Local Board resides in Pueblo County. Venue is proper in this county under C.R.C.P. 98(c).

FACTUAL ALLEGATIONS

8. The allegations set forth in paragraphs 1 through 7 of this Complaint are incorporated herein by reference.

9. The general supervision of the public schools in Colorado is vested in the State Board of Education. Colo. Const. Art. IX, § 1. The State Board’s powers and duties are prescribed and limited by law. *Id.*

10. The State Board’s statutory duties include exercising general supervision over the public schools of the state; appointing a commissioner of education; appraising and accrediting the public schools and school districts of the state; and ordering the distribution of federal and state moneys granted to the department of education for the use of the public schools. Colo. Rev. Stat. § 22-2-106 (2018).

11. The State Board enjoys the statutory power to, *inter alia*, perform all duties delegated to it by law; to promulgate and adopt policies, rules, and regulations concerning

general supervision of the public schools; and to provide consultative services to the public schools and boards of education of local school districts. Colo. Rev. Stat. § 22-2-107 (2018).

12. The Commissioner of Education (“Commissioner”), appointed by the State Board and subject to its supervision, is responsible for advising the State Board concerning the current operation and status of the public schools; and for visiting “public schools and communities which most need [her] personal attendance for the purpose of stimulating and guiding public sentiment to education and diffusing ... a knowledge of existing defects of and a knowledge of desirable improvements in the government, finance, curriculum of, and instruction in the public schools.” Colo. Rev. Stat. § 22-2-212 (2018).

13. Every public school district is governed by a local board of education, which consists of a number of directors/board members as prescribed by law. Local Boards of education possess all powers and duties delegated to them by law, and they are required to perform all duties set forth by law. Colo. Rev. Stat. § 22-32-103(1) (2018).

14. The members of a local board of education are vested with control of instruction in the public schools of their respective districts. Colo. Const. Art. IX, § 15. The power of local control of instruction applies to all of the schools of the school district and imposes on the local board of education the responsibility to ensure the equitable treatment of all the students enrolled in all of the schools of the school district. Colo. Rev. Stat. § 22-32-108.5(1)(a) (2018).

15. Local boards of education are required to, *inter alia*, determine the educational programs to be carried on in the schools of the district; employ all personnel required to maintain the operations of the district and carry out the educational program; and to determine the length of time the schools of the district will be in session. Colo. Rev. Stat. § 22-32-109(1) (2018).

16. Additionally, local boards of education have the statutory power to determine which schools of the district will be operated and maintained. Colo. Rev. Stat. § 22-32-110(1)(l) (2018).

The Education Accountability Act

17. In 2009, the general assembly enacted Senate Bill 09-163. As enacted, the bill was referred to as the “Education Accountability Act of 2009” and codified as Colo. Rev. Stat. §§ 22-11-101, *et seq.* (hereinafter, “Accountability Act”).

18. The Accountability Act contemplates the creation of a “state review panel,” which is comprised of an undefined number of highly-qualified persons, recruited by the Commissioner of Education and approved by the State Board. The state review panel assists the Commissioner,

the Department of Education, and the State Board in carrying out their powers and duties as set forth in the Accountability Act. Colo. Rev. Stat. § 22-11-205 (2018).

19. The Accountability Act authorizes the State Board to promulgate rules to establish accreditation categories for public school districts. The categories include, but are not limited to, the following:

- a. Accredited with Distinction;
- b. Accredited;
- c. Accredited with Improvement Plan;
- d. Accredited with Priority Improvement Plan; or
- e. Accredited with Turnaround Plan.

Colo. Rev. Stat. § 22-11-207(1) (2018).

20. A school district's accreditation rating is based largely on how well students perform on statewide standardized assessments, which are supposed to measure academic growth, academic progress, and the degree to which students meet or exceed grade-level curriculum standards. Colo. Rev. Stat. § 22-11-207(2) (2018).

21. Just as the Accountability Act authorizes the State Board to assign accreditation ratings to school districts, it requires that the Department of Education review each public school's performance and recommend to the State Board that the school implement one of the following types of plans for the following school year:

- a. Performance;
- b. Improvement;
- c. Priority Improvement; or
- d. Turnaround.

Colo. Rev. Stat. § 22-11-210 (1)(a) (2018).

22. In determining the type of plan most appropriate for a public school, the State Board places greatest emphasis on how well students perform on standardized tests. *Id.*

23. If a public school receives a Priority Improvement or Turnaround plan, the Commissioner may assign the state review panel to "critically evaluate" the school. In such cases, the state review panel conducts an evaluation and issues a report to the Commissioner, the State Board, and the applicable local board of education. Colo. Rev. Stat. § 22-11-210(4) (2018).

24. If a public school fails to make “adequate progress” under a Turnaround plan, or continues as a Priority Improvement and/or Turnaround school for five (5) years, the Commissioner is required to assign the state review panel to conduct a critical evaluation of the school. After completing its evaluation, the state review panel must determine whether to recommend one or more of the following actions to the State Board:

- a. That the public school should be partially or wholly managed by a private or public entity other than the school district;
- b. That the public school be converted to a charter school;
- c. That the public school be granted “innovation” status; or
- d. That the public school be closed.

Colo. Rev. Stat. § 22-11-210(5)(a) (2018).

25. The Accountability Act provides that after the state review panel presents its recommendations to the Commissioner and to the State Board, the State Board “shall determine which of the actions described [in the statute] the local school board ... shall take regarding the public school and direct the local school board ... accordingly.” Colo. Rev. Stat. § 22-11-210(5)(b) (2018).

Risley International Academy of Innovation

26. Risley International Academy of Innovation (“Risley”), which was formerly known as James H. Risley Middle School, has been a fixture on Pueblo’s east side for many decades. The school’s name change was intended to reflect its status as an “innovation school,” pursuant to Colo. Rev. Stat. §§ 22-32.5-101 *et seq.*

27. The educators at Risley serve a vulnerable student population. Approximately 82 percent of the school’s students identify as a minority; 20 percent of the school’s students qualify for special education services; and 98 percent receive free or reduced lunch, an indicator commonly referred to in education as a reliable measure of poverty.

28. For the better part of the last decade, Risley’s students have not performed well on standardized state tests. Since 2010, the school has been subject to Turnaround plans under the Accountability Act.

29. In or about 2016, the state review panel critically evaluated Risley and submitted recommendations to the State Board.

30. In June 2017, the State Board determined, *inter alia*, that the Local Board should engage a group called The Achievement Network (“ANet”) as a consultant to help improve Risley’s test scores.

31. The State Board’s June 2017 determination also provided that if Risley received a rating of Priority Improvement or Turnaround in 2018 or thereafter, the Commissioner would assign the state review panel to perform another critical evaluation, after which the State Board would revisit its recommendations.

32. The Local Board did not appeal the State Board’s June 2017 determination.

33. Risley received ratings of Turnaround in 2017 and 2018. As promised, the Commissioner assigned the state review panel to conduct another critical evaluation of the school. In October 2018 the state review panel submitted its report, proffering in part that:

- a. Risley’s innovation plan had not been fully “leveraged” to affect significant improvements; and that
- b. ANet did not have “full decision-making authority” in areas such as school schedules, leadership coaching, and other school operations.

Exh. 1, State Review Panel Report (October 2018).

34. The state review panel considered recommending conversion of Risley to a charter school, but instead recommended that the school be wholly managed by an entity other than the School District. *Exh. 1, pp 1-2.*

35. Risley came before the State Board for review in November 2018. The State Board received public comment about the school in the form of live testimony and written submissions. Several themes emerged, including:

- a. A great deal of support for the Risley community and the students it serves;
- b. A desire to support the holistic needs of Risley’s students and their families; and
- c. Concern about the type and frequency of assessments students were required to take at ANet’s insistence.

36. The School District gave a presentation to the State Board, requesting a “more comprehensive management partnership” for Risley. *Exh. 2, School District Presentation to*

State Board (November 2018). Indeed, the School District went further than that, proposing that its Local Board would delegate full decision-making authority on matters concerning the school to a new management partner. According to the School District, that authority would include, but not be limited to, staffing and personnel decisions.

37. The State Board deliberated after receiving testimony and documents. Following its deliberation, the State Board ordered the School District's Local Board to (a) identify a new external management partner; (b) present that external partner to the State Board for approval; and, if approved (c) enter into a contract with that external partner to "wholly manage [the school] for a period of not less than four years." *Exh. 3, State Board Order (November 2018)*.¹

The State Board's November 2018 Order
("Order")

38. The State Board's Order gave the Local Board ninety (90) days to identify a public or private entity, other than the School District, to wholly manage Risley. *Exh. 3, p. 9*. The State Board required that the Local Board submit its "proposed manager" to the State Board for approval. *Id.*

39. Moreover, the State Board required that while the selection process was underway, the Local Board was to confer with the Department of Education "to ensure that":

- a. Any requests for proposals put out by the Local Board aligned to the State Board's order;
- b. The selected manager is one that uses research-based strategies and has a proven track record of success working with schools under similar circumstances; and
- c. The selected manager is qualified and willing to fulfill the duties set forth by the State Board's order.

Exh. 3, p. 9.

40. Once the Local Board selected a manager that met the State Board's criteria and received formal approval from the State Board to proceed with that manager, the Local Board had thirty (30) days to "execute a contract authorizing the selected and approved manager to

¹ The Order also considers another school, Heroes Middle School. The Local Board later voted to close Heroes, effective at the beginning of the 2019-20 school year. Thus, the school is not involved in the instant controversy.

administer the affairs and programs of the school beginning no later than July 1, 2019, and continuing for a term of not less than four years.” *Id.*

41. The Order required that the contract between the Local Board and the manager include a term providing that “the manager ... manage the school[] in a full-time capacity” and that “the local board ... delegate to the manager all authority needed to fully manage [the] school[.]” *Id.*, pp. 9-10.

42. In short, the State Board required that the Local Board enter into a contract, and in that contract waive its constitutional power of “local control” over instruction and assign critical duties it is statutorily bound to perform to an entity not selected—much less elected—by Pueblo’s voters.

43. The duties the Local Board would be required to delegate included, but were not limited to, the following:

- a. Building-level personnel and staffing;
- b. Professional development and training of teachers and other staff;
- c. Implementing an instructional program;
- d. Identifying needs for additional consulting and professional services, including whether to continue the partnership with ANet;
- e. Revising the school’s innovation plan;
- f. Creating, changing, and guiding systems aimed at modifying the school’s climate and culture;
- g. Management of the school’s budget; and
- h. “Other authority” the outside manager might reasonably need.

Exh. 3, pp. 10-11.

44. The Order limited the Local Board’s ability to terminate its contract with the external manager by requiring, for example, that the Local Board show “good cause” before it would be permitted to end its contractual relationship with the manager. *Exh. 3, p. 11.*

45. The State Board further required that the Local Board provide a copy of the contract between the Local Board and the external manager to the Commissioner, who would then “advise the State Board in the event that the contract fails to satisfy the terms of [the] Order.” *Exh. 3, p. 11.*

46. Despite the above-described disregard for the constitutional and statutory powers and duties the Local Board possesses, the State Board recognized that some actions require formal action by local boards of education—hiring and firing of teachers is a prime example. To circumvent this hurdle, the State Board ordered the Local Board to “give appropriate consideration to the recommendations of the manager and not unreasonably withhold [its] approval.” *Exh. 3, p. 11.* Any rejection of a manager’s recommendation over a matter requiring formal action by the Local Board would have to be accompanied by “a reasoned, written explanation” submitted to the Department of Education. *Id.* Moreover, any “[u]nreasonable rejection of the manager’s recommendations, or a pattern or practice of rejecting the manager’s reasonable recommendations, may constitute evidence of noncompliance with [the] Order.” *Id.*

47. Noncompliance, the State Board threatened, would be met with severe consequences, including conversion of Risley to a charter or the closure of the school altogether. *Exh. 3, p. 12.*

48. Just as it failed to appeal the State Board’s June 2017 determination regarding Risley, the Local Board did not challenge the State Board’s November 2018 Order.

Selection of an External Manager

49. Instead of challenging the Board’s Order, the Local Board set about identifying an outside entity to “wholly manage” Risley.

50. On or about February 13, 2019, the State Board issued an extension for the Local Board to identify an external manager. With the extension, the State Board reiterated its directive that the Local Board confer with the Department of Education at each step in the selection process to ensure that: (a) proposals aligned to the Order; (b) the external manager is one that uses research-based strategies and has a proven track record of success working with similar schools; and (c) the external manager is qualified and willing to fulfill the duties and powers identified in the State Board’s Order.

51. That same month, the Local Board issued a “Request for Proposal: External Management Entity” (“RFP”). The RFP was generally consistent with the State Board’s order, but also reflected the Local Board’s intention to relinquish even more authority than required over matters such as the master schedule—i.e., the schedule teachers and students follow on a

daily basis—and “agreements” affecting the school. *Exh. 4, Request for Proposals (February 2019)*.

52. The collective bargaining agreement between PEA and the Local Board is an agreement affecting the school. Risley’s innovation plan is also an agreement affecting the school, inasmuch as changes to the plan that involve waiver of any collective bargaining agreement provisions require a vote of the teachers and other members of the PEA bargaining unit. *See Colo. Rev. Stat. § 22-32.5-109(1)(b) (2018)*.

53. The RFP provided that proposals were due on March 1, 2019, that a selection would be made on March 12, 2019, and that the selected manager would be presented to the State Board for approval on April 10-11, 2019. *Exh. 4, pp. 4-5*.

54. The Local Board received six (6) responses from prospective management entities. From those, two (2) emerged as the top-rated candidates:

- a. One of the finalists was a collaboration between a Florida-based firm called MGT of America Consulting, LLC (“MGT”) and the University of Virginia Darden/Curry Partnership for Leaders in Education (“PLE”). In a lengthy submission, MGT touted its experience leading turnaround efforts in other states, which has included making “numerous leadership changes,” leveraging “local talent whenever available,” and drumming up community support for the changes it envisions.
- b. The other finalist was a group called H&S Leadership and Blueprint.

55. On March 12, 2019, the Local Board unanimously selected MGT and PLE to wholly manage Risley. Pursuant to the State Board’s November 2018 Order, the selection could not be finalized unless and until the State Board gave its approval.

56. On April 10, 2019, the Local Board presented its selection of MGT/PLE to the State Board. As part of that presentation, the Local Board and MGT submitted a “First 60 Day Plan” in order to persuade the State Board to give its approval. *Exh. 5, Local Board Presentation to State Board (April 10, 2019)*.

57. The 60 Day Plan would be implemented over the course of April, May, and June, 2019. According to MGT and the Local Board, the Plan would involve the following actions, among others:

- a. MGT would determine organizational management structures, including programming, budgeting, calendar, and more.
- b. MGT would develop a leadership and instructional staffing plan for the 2019-2020 school year.
- c. MGT would evaluate current personnel.
- d. MGT would interview and hire new leaders and teachers.
- e. MGT would develop a model to align curriculum and instruction.

Exh. 6.

58. MGT and the Local Board also presented that, beyond the 60 Day Plan, MGT's work would include the following actions during the first year—i.e. 2019-2020:

- a. Revising the existing 3-year innovation plan;
- b. Evaluating current personnel; and
- c. Confirming leadership and teaching staff.

Id.

59. The management contract the Local Board entered into pursuant to the State Board's Order, which includes the 60-Day Plan and the vision for the 2019-2020 school year, strips the Local Board of all its constitutional and statutory authority with regard to Risley. During their presentation to the State Board, MGT and the Local Board announced that the Local Board "is fully committed to supporting a full management partnership with MGT Consulting and [PLE]." *Id.* Relinquishing substantial control of the school to a private entity abrogates the local board's fiduciary, statutory and constitutional duties and obligations as required by law.

60. According to the Local Board and MGT, the next step—following State Board approval—was for the Local Board to enter into a contract with MGT.

61. Before putting MGT/PLE to an approval vote, however, the State Board also heard from department of education representatives. Those representatives discussed the department of education's role in the external manager selection process, which they said included:

- a. Meeting with school district leadership “to monitor progress and ensure alignment with the state board order at each step”;
- b. Determining that the Local Board’s Request for Proposals aligned with the November 2018 order;
- c. Observing the “Stakeholder Review Team” that evaluated the six proposals and identified the two finalists; and
- d. Attending meetings of the Local Board.

Exh. 6, Colo. Dep’t. of Educ. Presentation to State Board (April 10, 2019).

62. If there was any question about the State Board’s and the Department of Education’s overreach into the selection process, it was put to rest by a memorandum addressed to the members of the State Board, which had been written by Department of Education staff members Alyssa Pearson (Deputy Commissioner of Education) and Brenda Bautsch (Accountability Specialist). In the memorandum, Pearson and Bautsch explained how they had monitored proposals submitted in response to the Local Board’s request for proposals from prospective external managers. *Exh. 7, Pearson & Bautsch Memorandum (April 10, 2019).*

63. Pearson and Bautsch’s memorandum was organized to align with the elements contained in the State Board’s November 2018 Order. The purpose for that, the authors explained, was “to describe [for the State Board] the [external manager’s] capacity to meet the specified requirements.” *Exh. 7, p. 1.*

64. Following the public presentations, State Board member Durham made a motion to approve the Local Board’s selection of MGT/PLE. State Board member Rankin seconded the motion, and the motion carried by a vote of six (6) to one (1).

The Local Board and MGT Enter into a Management Contract

65. On April 11, 2019—the day after the State Board gave its approval for MGT to manage Risley—the Local Board convened a meeting to formalize its agreement with MGT.

66. The contract between the Local Board and MGT provides, *inter alia*, that the Local Board “shall delegate to MGT all authority needed to fully manage Risley,” and that MGT’s authority will include, but not be limited to, the following areas:

- a. **Building-level personnel/staffing** – Pursuant to the contract, MGT “shall have authority over recruitment, selection of staff and assignments of all personnel required to maintain the operations and carry out the educational programs of the school; additionally, the manager shall supervise and evaluate the building principal.”
- b. **Professional development and training** – Pursuant to the contract, this authority “should include selecting and scheduling teacher professional development and mentoring administrators, including by providing coaching around instructional observation and feedback.”
- c. **Implementing an instructional program** – The contract provides that this “authority should include adopting/revising curriculum and assessment systems.”
- d. **Identifying needs for consulting and professional services** – which includes whether to retain ANet as a partner;
- e. **Revising innovation plans** – which includes responsibility “for implementation of the school’s innovation plans, including fully leveraging the plans as currently approved and recommending any further waivers needed to optimize student outcomes.”
- f. **School climate and culture** – which includes authority to create, change, and guide school-wide systems at Risley.
- g. **Budgetary discretion** – The contract provides that MGT “shall have authority to manage the school’s budget adopted by the local board, including state and federal grant dollars that are allocated to the school by the local board.” Risley’s budget also includes, on information and belief, locally-raised funds allocated to the school.
- h. **Other authority** – The Local Board gave blanket authority “as the manager reasonably needs to create systemic improvement in teaching and learning.”

Exh. 8, External Management Agreement, pp. 1-2 (April 11, 2019).

67. The Local Board also committed to “not unreasonably” withhold its approval of recommendations MGT might make regarding actions requiring formal action by the Local Board. *Exh. 8, p. 2.* The term “unreasonably” is not defined in the contract.

68. In addition, the contract requires that “MGT shall provide educational programs that meet federal, state and local requirements....The [Local] Board shall interpret federal, state and local requirements liberally to give MGT flexibility and freedom to implement its education and management programs.” *Exh. 8, p. 2 (emphasis added)*. The Local Board’s obligation to “interpretrequirements liberally to give MGT flexibility and freedom...” necessarily involves the Local Board assigning local control it otherwise possesses, pursuant to state statute and constitution.

69. The management contract is effective July 1, 2019 through June 30, 2023. Over that period of time, there will be at least two (2) Local Board elections. As such, the contract will bind future members of the Local Board, regardless of whether MGT successfully performs its duties.

70. Under the contract, MGT will collect the following fees in the spring of 2019, before the contract officially becomes effective:

- a. Project initiation fee: \$11,000
- b. Data review fee: \$18,000
- c. Resource inventory, assessment, and mapping: \$21,000
- d. Executive Manager Days: \$41,600

Exh. 8, p. 20.

71. Thus, when the contract becomes effective on July 1, 2019, MGT will already have collected **\$91,600** from the School District. *Id.*

72. In addition to the above-described activities, MGT is currently in the process of determining which teachers it plans to retain for the 2019-2020 school year.

73. Teachers at Risley, including Mr. Donovan, were recently asked whether they plan to return to the school in 2019-2020. Those who responded in the affirmative, including Mr. Donovan, were required to interview with two MGT executives—Harry Bull and Babette Moreno—so that the executives could determine whether to retain the teacher.

74. Mr. Donovan’s retention interview took place on or about May 7, 2019. As of the date of this Complaint, he does not know whether he will be retained as a teacher at Risley for the 2019-2020 school year.

75. During the 2019-2020 school year, MGT stands to collect **\$278,040** for 178 days of “on site supports.” Each day of “on-site” support costs the School District \$1,562.02. MGT also stands to collect \$18,000 during the 2019-2020 school year for “community stakeholder engagement and facilitation.” *Id.*

76. Taken together, the Local Board is contractually bound to pay **\$387,640** to MGT by the end of the 2019-2020 fiscal year. There is room for upward movement of that figure, however—the contract provides that the total budget shall not exceed **\$424,000** over that period of time. *Exh. 8, p. 19.*

77. Thus, up to \$424,000 of public funds will be committed to the oversight of one school in an impoverished district that is responsible for providing equitable funding to all of its schools. The recipient of these public funds, meanwhile, is not accountable to the taxpayers nor the electorate with regard to how it chooses to spend those funds.

78. On information and belief, locally-raised funds will be used to satisfy at least part of the Local Board’s financial obligations to MGT under the management contract.

79. Local taxpayers, such as Ms. Ethredge and Mr. Donovan, did not select MGT, and MGT is not accountable to those taxpayers.

80. On information and belief, state funds will be used to satisfy at least part of the Local Board’s financial obligations to MGT under the management contract.

81. But for the State Board’s November 2018 Order and April 10, 2019 approval of MGT/PLE, the Local Board would not have entered into the above-described management contract.

FIRST CAUSE OF ACTION
(Article IX, § 15, Colorado Constitution)

82. The allegations of paragraphs 1 through 81 are realleged and incorporated herein by reference.

83. Article IX, § 15 of the Colorado Constitution, which provides that local school boards “shall have control of instruction in the public schools of their respective districts,” vests in the school board of each school district control over the instruction provided with that school district’s funds.

84. The Accountability Act violates Article IX, § 15 to the extent that it removes from a local school board all discretion and control as to the content of the instruction provided, with the school district's funds, to students who attend a school partially or wholly managed by a private or public entity other than the school district.

85. The State Board of Education's November 27, 2018 Order violates Article IX, § 15 because it, *inter alia*, usurps the Local Board's discretion and control as to the content of the instruction provided, with the School District's funds, to students who attend Risley International Academy of Innovation.

86. The Pueblo School District No. 60 Board of Education's management contract with MGT/CLE violates Article IX, § 15 because it, *inter alia*, assigns the non-delegable control of instruction in a public school to an external manager which is not the board of education, duly elected by the qualified electors of the district.

SECOND CAUSE OF ACTION **(Article IX, § 1 Colorado Constitution)**

87. The allegations of paragraphs 1 through 86 are realleged and incorporated herein by reference.

88. Article IX, § 1 of the Colorado Constitution vests the State Board of Education with general supervisory authority over the public schools of the state.

89. General supervision includes the inspection and critical evaluation of the public education system from a statewide perspective. *Bd. of Educ., Sch. Dist. No. 1 v. Booth*, 984 P.2d 639 (Colo. 1999).

90. The State Board's powers and duties, assigned by the General Assembly, must be consistent with the framers' intent, which was to limit the State Board to general supervisory authority. *Id.*

91. The State Board violated Article IX, § 1 by exceeding its grant of general supervisory authority when it dictated the terms by which it required a local board of education to cede control over a particular school in its district.

THIRD CAUSE OF ACTION **(Violation of Statute—Colo. Rev. Stat. § 22-32-109)**

92. The allegations of paragraphs 1 through 91 are realleged and incorporated herein by reference.

93. Colo. Rev. Stat. § 22-32-109 sets forth the specific duties of local boards of education, which include the duty to “employ all personnel required to maintain the operations and carry out the educational program of the district and to fix and order paid their compensation.” The statute also imposes on local school boards the duty to “determine the educational programs to be carried on in the schools of the district[.]”

94. The State Board of Education’s November 27, 2019 Order violates § 22-32-109(1)(f)(I), C.R.S. by requiring the Local Board to delegate its authority to recruit and select staff, and to assign all personnel required to maintain the operations and carry out the educational program of Risley.

95. The State Board of Education’s November 27, 2019 Order violates § 22-32-109(1)(t), C.R.S. by requiring the Local Board to delegate its authority to determine and implement the instructional program at Risley.

96. The Pueblo School District No. 60 Board of Education’s management contract with MGT/CLE violates § 22-32-109(1)(f) because it purports to assign “authority over recruitment, selection of staff and assignments of all personnel required to maintain the operations and carry out the educational programs of the school” to an outside entity.

97. The Pueblo School District No. 60 Board of Education’s management contract with MGT/CLE violates § 22-32-109(1)(t) because it purports to assign MGT/PLE the authority to determine and implement the instructional program to be provided at Risley.

FOURTH CAUSE OF ACTION **(C.R.C.P. 106(a)(2))**

98. The allegations of paragraphs 1 through 97 are realleged and incorporated herein by reference.

99. C.R.C.P. 106(a)(2) authorizes the district courts of the state to compel a lower judicial body, governmental body, corporation, board, officer or person to perform an act which the law specially enjoins as a duty resulting from an office.

100. Among the duties the Pueblo School District No. 60 Board of Education is required to perform, but which it has assigned to an external manager, are those described herein relating to (a) employment of personnel required to maintain the operations and carry out the

educational programs at Risley; and (b) determining and implementing the instructional program to be provided at the school.

101. Unless compelled by this Court, the Local Board will continue its failure or refusal to perform its official duties.

FIFTH CAUSE OF ACTION
(C.R.C.P. 106(a)(4))

102. The allegations of paragraphs 1 through 101 are realleged and incorporated herein by reference.

103. C.R.C.P. 106(a)(4) provides for district court review where any governmental body or officer or lower judicial body exercising judicial or quasi-judicial functions has exceeded its jurisdiction or abused its discretion and there is no plain, speedy, and adequate remedy otherwise provided by law.

104. The State Board of Education performed a quasi-judicial function when it held a hearing on April 10, 2019 for the purpose of determining whether to approve MGT/PLE as the external manager for Risley.

105. The State Board also performed a quasi-judicial function when, on that same day, it approved MGT/PLE as the external manager for Risley.

106. The State Board exceeded its jurisdiction and/or abused its discretion because, *inter alia*, the Accountability Act does not authorize the State Board to wield approval authority with regard to prospective external managers.

SIXTH CAUSE OF ACTION
(Judicial Review of Agency Action pursuant to § 24-4-106, C.R.S.)

107. The allegations of paragraphs 1 through 106 are realleged and incorporated herein by reference.

108. Any person adversely affected by an agency action may commence an action for judicial review pursuant to § 24-4-106, C.R.S.

109. The plaintiffs were adversely affected by the State Board's April 10, 2019 approval of MGT/PLE, which constituted a final agency action, as that term is used in Article 4 of Title 24.

110. The plaintiffs were adversely affected by the agency action in question because, for example, the action triggered the Local Board's deadline to enter into a contract with MGT, which contract had the effect of diluting and undermining PEA's status as the exclusive representative for bargaining terms and conditions of employment for all School District teachers, counselors, and nurses, including those who work at Risley.

SEVENTH CAUSE OF ACTION
(Declaratory Judgment)

111. The allegations of paragraphs 1 through 110 are realleged and incorporated herein by reference.

112. This Court is empowered by § 13-51-101, *et seq.* and by C.R.C.P. 57 to declare the rights, status and other legal relations of the parties.

113. Plaintiff Pueblo Education Association has an interest under and its rights, status or other legal relations are affected by: the building level/staffing authority delegated to MGT pursuant to the State Board order and Local Board contract; § 22-32-109, C.R.S.; §§ 22-63-101, *et seq.*; Colo. Const. Art. IX, § 15; the collective bargaining agreement between it and the Local Board; and the construction/interpretation of said order, contracts, statutes, and constitution.

114. Plaintiffs Suzanne Ethredge and Robert Donovan have an interest under and their rights, status or other legal relations are affected by: the building level/staffing authority delegated to MGT pursuant to the State Board order and Local Board contract; § 22-32-109, C.R.S.; §§ 22-63-101, *et seq.*, Colo. Const. Art. IX, §§ 1 and 15; the collective bargaining agreement between PEA and the Local Board; and the construction/interpretation of said order, contracts, statutes, and constitution.

115. The Defendant State Board of Education has ordered the Pueblo School District No. 60 Board of Education to assign to an external manager non-delegable authority in violation of the Colorado Constitution and state laws.

116. The Defendant Pueblo School District No. 60 Board of Education has assigned non-delegable functions, such as employing teachers, and contractually bound itself to pay state and local funds to an external manager now tasked with performing those functions in violation of the Colorado Constitution and state laws.

117. The actions of the Defendants were *ultra vires*, in excess of their legal authority, and therefore null and void.

118. The Plaintiffs are entitled to a judgment for declaratory relief and declarations that: the State Board's November 27, 2018 Order was *ultra vires*, in whole or in part; the State Board is without authority to select, approve, or reject an external manager selected by a local board of education; the Local Board's purported assignment of non-delegable authority exceeded its legal authority and is null and void; the collective bargaining agreement between Plaintiff PEA and the Local Board is unaffected by the State and Local Boards' illegal actions; the Local Board retains—and has at all times retained—the authority to employ personnel at Risley and determine the instructional program of the school; the Local Board retains—and has at all times retained—local control of instruction; no local funds may be used to fulfill the April 11, 2019 contract between the Local Board and MGT; and no state funds may be used to fulfill the April 11, 2019 contract between the Local Board and MGT.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully request that this Court:

- A. Strike any provisions of the Accountability Act deemed unconstitutional;
- B. Declare the State Board's November 27, 2018 Order *ultra vires*, in excess of its legal authority, and therefore null and void;
- C. Declare the State Board's April 10, 2019 approval of MGT *ultra vires*, in excess of its legal authority, and therefore null and void;
- D. Declare any and all actions taken by the Local Board pursuant to any portion of the State Board's November 27, 2018 Order deemed *ultra vires* null and void;
- E. Declare any attempt by the Local Board to assign non-delegable constitutional or statutory authority *ultra vires*, in excess of its legal authority, and therefore null and void;
- F. Enjoin the Defendants, and all persons acting under their direction or in concert with them, from taking any actions to implement or enforce any portion of the State Board's November 27, 2018 Order deemed *ultra vires*;
- G. Enjoin the Defendants, and all persons acting under their direction or in concert with them, from taking any actions to implement or enforce the

State Board's *ultra vires* approval of MGT as the external manager for Risley;

- H. Enjoin the Defendants, and all persons acting under their direction or in concert with them, from taking any actions to implement or enforce any attempt by the Local Board to assign non-delegable duties to an external manager;
- I. Enjoin the Defendants, and all persons acting under their direction or in concert with them, from utilizing state or local funds to satisfy the Local Board's contractual obligations to MGT;
- J. Award Plaintiffs their attorneys' fees, expenses, and costs incurred in prosecuting this lawsuit; and
- K. Order such other and further relief as this Court may deem appropriate.

DATED this 10th day of May, 2019.

Respectfully submitted,

/s/ Kris A. Gomez

Kris A. Gomez

Brooke M. Copass

Erik G. Bradberry

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2018 State Review Panel Progress Monitoring Recommendation Form

PAID FILED: 10/10/2018 PM
 FILING ID: 6733390E93634
 CASE NUMBER: 2019CV30298

School/code & District/code:	Risley International Academy/4376 & Pueblo 60/2690
State Review Panelists:	Amy Weed & Andy Franko
Recommendation Meeting Date:	October 9, 2018
Current State-directed Action: Continue status as an innovation school, establish an external management partnership with ANet, and strengthen school leadership and community engagement.	
Panel's 2018 Recommendation:	
The State Review Panel recommends continuing innovation school status and management by a private entity for Risley International Academy of Innovation, based on an analysis of compiled data and documentation, as well as a site visit conducted September 25-26, 2018.	
Evidence and Rationale:	
<p>The State Review Panel (SRP) recommends continuing innovation school status because the school was directed through State Board action to continue Innovation status in June 2017. (Note: the school had already received Innovation status in 2013.) One benefit to the school as a participant in the district's Innovation Zone is the opportunity for school leaders to attend monthly Innovation Zone meetings that provide a support network for turnaround leaders to share best practices. However, the school's Innovation plan has not been fully leveraged to affect significant improvements in student achievement or growth. For example, the Innovation plan has the potential to provide the school waivers that offer flexibility with recruiting and retaining high-quality teachers, support with collective bargaining, and selecting curricula to support the school's unique needs.</p> <p>The SRP did not find evidence that the school leadership is monitoring specific improvement initiatives to inform decision making. The school has several turnaround strategies that include International Baccalaureate (IB), new reading and math curricula, new reading and math interventions, Advancement Via Individual Determination (AVID), Positive Behavior Intervention and Support (PBIS), and Capturing Kids Hearts (CKH). However, school leadership was unable to provide evidence of the effectiveness of these programs or describe a plan to understand how program effectiveness will be assessed in the future. Further, due to high teacher turnover, the IB and AVID programs established under the initial Innovation Plan of 2013 have had challenges ensuring that all staff are trained. As a result, these programs are not being implemented with fidelity. Innovation fund dollars are being spent on these programs and there are no achievement results to show the effectiveness.</p> <p>Moving forward, the SRP recommends the school utilize all opportunities available through the Innovation Plan to maximize its impact, such as taking advantage of waivers that provide increased flexibility with recruiting and retaining quality staff, particularly with "hard-to-fill" positions. In addition, the school must develop a system to monitor the effectiveness of the various programs being implemented to determine which are having the greatest impact on teaching and learning. Then those programs should be prioritized and continued.</p> <p>The State Review Panel recommends an additional management entity other than the district. The school is demonstrably lacking in leadership effectiveness and infrastructure to support improvement efforts and move the school off the accountability clock. Currently, decisions are being made by district and school leadership (e.g., Innovation status plan, IB program, AVID) and the programs are not yielding necessary results.</p> <p>The school was directed through State Board action to partner with the Achievement Network (ANet) in June 2017. The specific actions included decision-making authority in the following areas: instructional strategies and schedules; assessment choice and schedule; performance management metrics; data-driven practices; school leadership coaching; and staff professional development and schedules. Currently, ANet has been solely responsible for the</p>	



school's instructional framework (i.e., standards alignment, coaching support for English language arts [ELA] and math, classroom walkthroughs) that has been implemented according to their agreement with the district. However, ANet does not have full decision-making authority in areas such as school schedules, leadership coaching, and other school operations. ANet acknowledged they are not a management partner; their role is specific to providing instructional leadership supports.

There was some evidence of the impact from the ANet partnership last year with slight math achievement increases. However, the SRP did not find compelling evidence that the partnership is sufficient or that the effectiveness of the partnership is supporting increased student achievement. Additionally, there is limited support from the ANet coach of one half-day a week working with the ELA and math teachers at the school. Also, as describe above, ANet does not have full decision-making authority.

The State Review Panel recommends that ANet continue as a partner with increased support from the ANet coach to one-to-two-days a week with the continued focus on instructional improvements and building teachers' capacity. In addition, the SRP recommends a management entity that has full decision-making authority over all school operations, including (but not limited to): recruiting and retaining high quality staff and leaders; curriculum and instruction; staff supervision; and finances.

The State Review Panel does not recommend conversion to a charter school because it is not clear this would result in increased academic achievement and growth. The SRP strongly considered this option because this would provide the school more autonomy to implement academic programs specific to the needs of the students at the school without having to implement State mandates and would provide increased flexibility with recruiting and retaining staff. However, the SRP is recommending an additional management entity be identified by the district, as previously described. Currently there is a lack of clarity and capacity with the roles and responsibilities of the ANet management partner that need to be redeveloped and redefined by the district and school.

Further, conversion to a charter school would be difficult to meet the specific needs of the community that include: a high level of poverty; students with disabilities; and students with social-emotional needs. A charter school may be divisive to the community and would not result in more effective outcomes. Conversion to a charter school may interfere with the school's ability to partner with other leaders in the Innovation Zone.

The State Review Panel does not recommend closure. There are no other viable options for students that would likely lead to better outcomes. There are four middle schools within five miles of Risley, two district-operated schools, and two charter schools. However, it was reported all of these schools are at capacity and cannot accommodate the approximately 300 students from Risley. District leadership indicated multiple reasons for the continuation of the school, including: there are no other middle schools in the geographic vicinity of Risley that could accommodate additional students; the school serves a high-needs population; and the school is an "anchor" for the community.

State Review Panel School Progress Monitoring Site Visit Feedback Form 2018-19

Purpose: The State Review Panel (SRP, or the Panel) was created by the Accountability Act of 2009 to provide a critical evaluation of the State's lowest-performing schools' and districts' plans for dramatic action and provide recommendations to the Commissioner and the State Board of Education. The Panel's work is informed by a review of documents (e.g., Unified Improvement Plan) and, in some cases, by a site visit. The site visit component was added in 2013 to strengthen panelists' understanding of the conditions in the schools and districts that are further along on the accountability clock. The expectation is that the site visit will inform their recommendations to the Commissioner and the State Board of Education about potential actions at the end of the accountability clock. For schools and districts that continue to remain on the accountability clock, the SRP will conduct an additional progress monitoring site visit that will be used to assess the actions the school or district was previously directed to take, the fidelity to which the school has implemented directed actions, and the amount of time the school has had to implement the actions to achieve results. The expectation is the site visit will inform their recommendations to the Commissioner and the State Board of Education about potential actions at the end of the accountability clock.

Prior to arriving on site, panelists conducted a document review aligned to the six key areas in the Accountability Act. On site at the school, the site visit team used evidence collected through classroom observations, focus groups, interviews, and document review to come to consensus on capacity levels in relation to the six key areas. This report presents the school's/district's capacity levels in relation to the six key areas and a summary of evidence for each.

Reviewer Name(s): Amy Weed and Andy Franko

Date: September 25-26, 2018

District Name/Code: Pueblo City 60/2690

School Name/Code: Risley International Academy of Innovation/4376

SRP Progress Monitoring Site Visit Summary	Capacity Level:
1. The leadership is adequate to implement change to improve results.	Not Effective
2. The infrastructure is adequate to support school improvement.	Not Effective
3. There is readiness and apparent capacity of personnel to plan effectively and lead the implementation of appropriate action to improve student academic performance.	Not Effective
4. There is readiness and apparent capacity to engage productively with, and benefit from, the assistance provided by an external partner.	Not Effective
5. There is likelihood of positive returns on State investments of assistance and support to improve the performance within the current management structure and staffing.	Not Effective
6. There is necessity that the school remain in operation to serve students.	Yes

State Review Panel School Progress Monitoring Site Visit Feedback Form 2018-19

SRP Evaluation based on Progress Monitoring Site Visit

State Review Panel Criteria		Claims & Evidence
1. The leadership is adequate to implement change to improve results.		Capacity Level: <input type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input type="checkbox"/> Developing <input checked="" type="checkbox"/> Not Effective
1.1: Leadership acts as a change agent to drive dramatic achievement gains.	<ul style="list-style-type: none"> Leadership communicates a relentless commitment to the school turnaround. Leadership makes data-driven changes to the academic program and organization to promote dramatic achievement gains. Leadership conveys clear expectations for performance for all stakeholders, including leadership, teachers, students, and partners. School leaders distribute leadership responsibilities to appropriate individuals or groups. 	<p>Leadership does not act as a change agent to drive achievement gains.</p> <ul style="list-style-type: none"> School leadership indicated they are committed to turning the school around, but the achievement results are not reflective of this commitment. When asked in a focus group, school leadership could not articulate specific priorities or strategies that are in place and designed to result in dramatic academic improvements to get the school off the accountability clock. School leaders and staff reported that they do not identify specific data, outcomes, or information to measure if strategies they are using and programs they are implementing are effective and achieving the desired results. . Teachers described using general school improvement strategies and programs, including the Achievement Network (ANet), International Baccalaureate (IB), Advancement Via Individual Determination (AVID), text-based planning, number talks, and a new math and reading curriculum. However, staff were unsure if these initiatives are effective and leading to improved student results. In a focus group, some staff reported that IB is only partially implemented; many staff are untrained and, as a result, do not understand the IB model. This has caused confusion and presented a distraction from other school improvement efforts. The Management Partner, ANet, also indicated that IB has taken away focus from other areas, such as the implementation of the new reading and math curricula.
1.2: Leadership establishes clear, targeted and measurable goals designed to promote student performance.	<ul style="list-style-type: none"> Leadership communicates clear and focused goals that are understood by all staff. Educators understand their responsibilities for achieving goals. Leadership maintains school-wide focus on achieving established goals. Leadership allocates resources in alignment with goals and critical needs. Leadership has established systems to measure and report interim results toward goals. 	
1.3: Leadership analyzes data to identify and address high priority challenges, and to adjust implementation of the action plan.	<ul style="list-style-type: none"> Leadership communicates data trends and issues, ensures timely access to data, and models and facilitates data use. Leadership openly shares results and holds staff accountable for results and effective use of data. Leadership first concentrates on a limited number of priorities to achieve early, visible wins. There is regular progress monitoring of performance and implementation data and, as appropriate, results lead to elimination of tactics that do not work. 	

State Review Panel School Progress Monitoring Site Visit Feedback Form 2018-19

	<ul style="list-style-type: none"> • Benchmarks are used to assess progress toward goals; goals are adjusted as progress is made. • Data on progress toward goals drives organizational and instructional decision making. 	<p>There are not clear and measurable goals to drive student performance.</p>
<p>1.4: Leadership establishes high expectations for student learning and behavior.</p>	<ul style="list-style-type: none"> • The school holds high expectations for academic learning. • Educators set high expectations for learning and clearly convey these to students. • Educators convey that students are responsible for raising their performance and encourage their participation in learning. • The school provides a safe environment to support students' learning and, in the case of a virtual school, ensures that students' interactions between and among themselves and school staff are respectful and supportive. • Leadership ensures that the school's physical environment is clean, orderly, and safe. 	<ul style="list-style-type: none"> • The 2017-18 Unified Improvement Plan (UIP) includes goals that state: students will score a mean scale score at or above 717 on the Colorado Measures of Academic Success (CMAS) math assessment and at or above 725 on the CMAS English language arts (ELA); the median growth percentile for all students and all subgroups will be at or above the 60th percentile in math and ELA; obtain an average attendance rate of 88%; and lower discipline referrals to 489. • When asked in focus groups, most staff could not state clear and specific goals, improvement strategies, or a clear plan for the school. Instead, they cited instructional programs or other initiatives being implemented at the school. For example, participants mentioned school culture and academics, Capturing Kids Hearts (CKH), standards-aligned objectives, standards-based grading, student talk and engagement, text-based planning, AVID strategies, number talks, 'Do Nows,' and the new math curriculum, Illustrative Math. • Some leaders indicated that the school's goals are to provide a positive and engaging learning environment for students. They also discussed assessments that can produce data and be used for decision making; however, it was unclear how they are linking strategies to the UIP. • In focus groups, teachers stated there are a lot of programs and initiatives implemented at the school, but it is unclear how they are prioritized or how they will lead to improvement. They described how high teacher turnover makes it hard to consistently build a positive school culture, develop consistent instructional practices, and implement data-driven practices and structures; they do not

State Review Panel School Progress Monitoring Site Visit Feedback Form 2018-19

		<p>have the opportunity to implement or to build on the previous years' implementation.</p> <ul style="list-style-type: none"> Teachers also reported there is a process for sharing the UIP that is facilitated by the Building Leadership Team (BLT) who develops the UIP and then shares the information within their content level professional learning communities (PLCs). <p>Leadership has not established high expectations for student learning.</p> <ul style="list-style-type: none"> School leadership indicated that there are high expectations for student learning and described the instructional non-negotiables as wanting students engaged in "the heavy lifting," increasing student talk in math, practicing more writing in ELA, and seeing evidence of rigorous text-based instruction. In a focus group, students reported they feel comfortable going to teachers for help, but also indicated that teachers do not always provide support if they are struggling or have questions. On some occasions, they reported having to self-advocate in order to receive academic support. Students also stated there are high expectations at the school, but not for all students. They explained that teachers have different expectations for students whose academic performance is poor and for students who misbehave. Similarly, some teachers reported holding students to varied expectations. For example, students are removed from the classroom because some staff believe some students cannot learn in a traditional classroom setting; as a result, learning does not occur. In a focus group, parents reported a belief that the school has high expectations for student learning. However, when asked, they could not provide specific examples.
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	<ul style="list-style-type: none"> The community focus group indicated that the school is not meeting the academic needs of many students and that some students are “falling through the cracks.” <p>Leadership has not established high expectations for student behavior.</p> <ul style="list-style-type: none"> A review of the UIP showed that the school has struggled in the past with high numbers of office referrals and out-of-school suspensions. The UIP also stated that the school had 629 office referrals and 229 out-of-school suspensions during the 2016-17 school year. A review of Student Referrals and Administrative Decisions documentation provided to the site visit team showed 566 office referrals, 104 in-school suspensions and 216 out-of-school suspensions for the 2017-18 school year. In focus groups, school staff reported systems for keeping track of referrals, in/out of school suspensions, assessments and parent communications, are not consistently documented in Infinite Campus. Some staff stated that a lot of discipline referrals to the office, a high number of suspensions, and many threat assessments have been completed so far this year. Other staff described how there is not adequate support from school leadership with classroom management. School leadership reported that suspension numbers are down this school year with only 3 out-of-school suspensions. When asked about behavior expectations, leaders, teachers, and staff described several programs and initiatives being implemented at the school. For example, Positive Behavioral Intervention and Supports (PBIS), CKH, Love and Logic, and restorative justice. Staff reported that training for these programs has been limited to a PowerPoint presentation at the beginning of the year. Many staff
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	<p>also stated that the abovementioned behavior programs have not been fully internalized by staff school-wide and are not implemented consistently.</p> <ul style="list-style-type: none"> • In focus groups, leaders, teachers, and staff described common expectations for strategies to address student behavior (e.g., the four questions of CKH, social contracts/expectations, and PBIS). In addition, the site visit team noted consistent rules posted in the school's hallways. However, there was little evidence of these expectations or practices observed during classroom visits. For example, the site visit team noted students on their cell phones, sleeping on the desk, and walking or running around the classroom during instruction and independent learning activities. In a focus group, students described how some students get away with disruptive and disrespectful behavior, there are other students who have a bad attitude in class, and that consequences for misbehavior are not consistently implemented across the school. • Students also reported that the school provides a safe environment, but the school is not located in a safe neighborhood. They stated that teachers will always protect them at any time and also described how the school has conducted practice safety drills. In a focus group, parents also stated that the school is safe.
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SRP Evaluation based on Progress Monitoring Site Visit

State Review Panel Criteria		Claims & Evidence
2. The infrastructure is adequate to support school improvement.		Capacity Level: <input type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input type="checkbox"/> Developing <input checked="" type="checkbox"/> Not Effective
2.1: The district leads intentional, strategic efforts to ensure the effectiveness of the academic program and the sustainability of the organization.	<ul style="list-style-type: none"> The district/superintendent ensures ongoing leadership development for emerging and current school leaders with a focus on building leadership capacity to lead turnaround efforts and sustain improvement. The district/superintendent provides adequate oversight of schools' work to deliver the curriculum, monitors instruction on a regular basis, and provides adequate support and feedback to principals to improve instruction. The district provides adequate systems by which to capture and store data, report it to schools, and make it accessible for instructional staff to utilize. 	<p>While the district has provided some support to the school, practices are not ensuring the effectiveness of the school program.</p> <ul style="list-style-type: none"> District leadership described how professional development (PD) structures and resources are in place to support leadership at the school that include: support from the Executive Director of Continuous Improvement and Innovation twice a week; ANET walkthroughs in classrooms; monthly Innovation Zone meetings; monthly K-12 principal meetings; and money for RELAY trainings. However, they were unable to provide evidence of any achievement results as a result of these structures and programs. School leadership reported that the district pays for RELAY training, a program for school leaders aimed at developing instructional and cultural leadership, the ANet partnership, and provides some support for PBIS. School leadership recognized, and ANet staff confirmed, that there is a district-supported position that supports the Innovation Zone schools and is beginning to provide increased oversight and management to the partnership in collaboration with ANet partners. In focus groups, teachers reported on the district offers training for AVID, monthly department professional development meetings, and the PLC training. Staff also described a new district math initiative - Number Talks -and indicated that the district has provide training on Number Talks.
2.2: School leadership has a strong focus on recruiting and retaining talent; creates and implements systems to select, develop, and retain effective teachers and staff who can drive dramatic student gains; evaluates all staff; and dismisses those who do not meet professional standards and expectations.	<ul style="list-style-type: none"> Leadership has created and/or implemented an organizational and staffing structure that will drive dramatic student gains. Leadership recruits and hires teachers with commitment to, and competence in, the school's philosophy, design, and instructional framework (e.g., trained and experienced with curriculum, certified/licensed to teach, qualified to teach subject area). Trained mentors provide beginning teachers with sustained, job-embedded induction. Leadership ensures the evaluation of all staff and dismisses those who do not meet standards and expectations. Leadership provides teachers with active, intense, and sustained professional development (PD), including guidance on data analysis and instructional practice, aligned to school improvement efforts. <ul style="list-style-type: none"> PD is informed by ongoing analysis of student performance, instructional data, and educators' learning needs. PD requires teachers to demonstrate their learned competency in a tangible and assessable way. 	

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	<ul style="list-style-type: none"> ○ PD engages teachers in active learning (e.g., leading instruction, discussing with colleagues, observing others, developing assessments), and provides follow-up sessions and ongoing support for teachers continued learning. ○ The quality of professional development delivery is regularly monitored, evaluated, and improved. 	<p>School leadership has been unable to attract and retain talent.</p> <ul style="list-style-type: none"> ● District leaders reported that the incentive program for teachers to work in challenging schools, called “Sign-on/Stay-on,” is not working for teachers; it will be re-visited. ● It is unclear if the district is fully utilizing innovation status to leverage solutions for recruiting and retaining quality staff and for hiring hard-to-fill positions in math, science, and special education. For example, when district and school leaders were asked about waivers, stipends, signing, and longevity bonuses, they indicated they have not implemented waivers or incentives at the current time but plan to consider doing so in the future. ● All focus groups claimed teacher retention is a significant challenge at the school. Teachers reported that the school is a difficult place to work, citing several reasons: challenging student behaviors; a large teacher workload that takes a lot of time and energy; the school’s performance struggles; and the various roles teachers must play. Other teachers reported that there is a lack of support from administration and the staff is not equipped to deal with high-needs students. ● Teachers provided conflicting information about the level of support beginning teachers receive(d) in their onboarding year. For example, one teacher reported receiving a lot of support from a mentor, whereas another teacher reported not receiving any support. ● A review of staff rosters showed, and leaders and teachers in focus groups indicated, that the school currently has multiple vacancies. They have had to shift instructional leaders into teaching positions, which has reduced support and training for teachers.
2.3: School leadership ensures that the school has sound financial and operational systems and processes	<ul style="list-style-type: none"> ● School leadership ensures that the organizational structure supports essential school functions, and that roles and responsibilities of all individuals at the school are clear. ● School leadership has established effective means of communicating with school staff. ● School leadership ensures that the school meets all compliance requirements and deadlines set by the State, including the submission of school improvement plans, financial statements, school audit, calendar, and student attendance. ● School leadership effectively manages the school budget and cash flow; there is a plan for long-term financial sustainability. ● The school leadership effectively manages operations (e.g., food services, transportation, school facilities). 	
2.4: School leadership provides effective instructional leadership.	<ul style="list-style-type: none"> ● School leaders ensure that the school implements a coherent, comprehensive, and aligned curriculum. <ul style="list-style-type: none"> ○ School leaders ensure that curriculum, instruction, and assessments are aligned with State standards, aligned with each other, and coordinated both within and across grade levels. ○ School leaders ensure that instructional materials are selected and/or developed in accordance with a school-wide instructional framework and aligned with established curriculum standards. ○ School leaders ensure that the curriculum is periodically reviewed and revisions are made accordingly. ● School leaders provide meaningful feedback on teachers’ instructional planning and practice. 	

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	<ul style="list-style-type: none"> ○ Leaders regularly provide meaningful feedback on instructional planning. ○ Leaders regularly observe instruction and provide meaningful, timely feedback that helps teachers improve their practice. ● School leaders provide conditions that support a school-wide data culture. <ul style="list-style-type: none"> ○ Teachers have easy access to varied, current, and accurate student and instructional data. ○ Teachers are provided time to collect, enter, analyze, and represent student data and use tools to help act on results. ○ School leaders ensure that all teachers receive PD in data use (e.g., how to access, read, and interpret a range of data reports; frame questions for inquiry; analyze data, assessment literacy, use data tools and resources). 	<ul style="list-style-type: none"> ● School leaders indicated they have met with the district to ask for additional support in hiring math teachers and, while the district was able to provide an emergency licensure option, it was not done quickly enough. ● School leadership reported that some staff have left since the beginning of this school year and, just last week, a teacher resigned. ● School leadership described how providing PD and training new teachers becomes an issue with high staff turnover; new staff have to be trained every school year. As a result, some teachers continue to be untrained on key school programs and initiatives. <p>There is limited instructional leadership at the school. The instructional leadership that does exist is having limited impact on teaching and learning.</p>
2.5: The school provides high-quality instruction.	<ul style="list-style-type: none"> ● Classroom interactions and organization ensure a classroom climate conducive to learning. ● Classroom instruction is intentional, engaging, and challenging for all students. ● The school identifies and supports special education students, English language learners, and students who are struggling or at risk. 	<ul style="list-style-type: none"> ● Leaders, teachers, and ANet reported they are helping to train teachers on using the new reading and math curricula, designing effective lesson plans that include the standards, diversifying instructional strategies, incorporating rigorous text complexity into lesson, and utilizing data-driven practices. ● Teachers reported that the newly-adopted math and reading curricula is for a 90-minute block of time, but the school's current math and ELA blocks are only 75 minutes long. Teachers also described how they are working through the new scope and sequence for each curriculum. ● In addition to the new curricula, some leaders and several teachers described how the school has an IB program. However, when asked about alignment, they indicated they had aligned previous curriculum to the IB standards but had not had an opportunity to align the new curricula to the IB standards.

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		<ul style="list-style-type: none"> • Some teachers reported that they do not have the technology to fully implement intervention programs with fidelity. This includes, for example, materials, computers, and headphones for student use. • School leadership reported that expectations were set for teachers about what good teaching looks like at a beginning-of-the-school-year meeting. For example, they reported describing how teachers would be receiving feedback on their lesson plans, during data meetings, and following observations/walkthroughs. The indicated observation/feedback forms were reviewed with the staff. • Staff and school leadership reported that teachers are provided with feedback from administration on their lesson plans and daily instructional targets. Some staff stated they receive regular feedback from administration, while others claimed they have not received feedback. Staff shared that the majority of feedback is provided via a verbal conversation and is not written. • In focus groups, ANET, teachers, and other school staff described how most walkthroughs, observation, and feedback cycles occur as part of ANet's support and are completed by the assistant principals and coaches. • School leadership and staff reported that there are assessments to monitor student results, including: ANet interim assessments 3 times a year; reading and math inventories that identify students for interventions; and district benchmark assessments (i.e., SchoolCity) in reading and math at the beginning and end of year. • District leaders, school leaders, and ANet reported there is coaching support allocated to the staff to support analysis of interim
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		<p>assessments that occur three times a year and, additionally, weekly data meetings occur.</p> <ul style="list-style-type: none"> • While some staff reported receiving feedback from ANet and/or their coach via ANet, other staff indicated they do not have a connection to the ANet team or any of the supports provided by the partnership. They reported being completely disconnected from the data collected, instructional planning, and coaching supports. • School leadership described how the school – in an effort to provide a stronger emphasis in reading, writing, and math and to better align teaching time requirements to the new curricula – changed the bell schedule this year to include time for PLCs and added an additional 25 minutes for ELA and math. The site visit team reviewed the document, “PLC Monthly Schedule,” which listed the monthly PLCs and weekly data team meetings. <p>The school does not consistently provide high-quality instruction.</p> <ul style="list-style-type: none"> • In 80% of classrooms visited (n=10), the site visit team noted ineffective or partially ineffective use of higher-order thinking skills. For example: students were not asked to justify reasoning; students were presented with tasks that were not challenging (e.g., taking notes, fill-in-the-blank worksheets); or were asked to only observe and not interact with learning materials. In other classrooms, teachers were doing the cognitive work for students (e.g., answering questions for students, reading aloud to students). • The site visit team observed ineffective or partially ineffective use of focused instruction in 70% of classrooms. For example, learning objectives were not visually or verbally stated to ensure that the learning task and outcomes were clear to students. In addition, there were not high expectations for students. In some classrooms,
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		<p>students were able to opt out of learning activities (e.g., sleeping on their desk, running around the classroom, looking at/listening to their phone). In other classrooms , instruction was not occurring. Only some students were asked to share out answers, and other students were not held accountable for their learning.</p> <ul style="list-style-type: none"> ● In 80% of classrooms, the site visit team noted ineffective or partially ineffective student engagement and participation. In these classrooms, few students participated actively during the lesson. For example: students engaged only when the teacher was near; less than 20% of students were engaged in the learning task; and when learning activities ended, students were not given additional tasks. Further, most teachers did not redirect students to participate in the lesson. In other classrooms, teachers were doing the cognitive work (e.g., lecturing, reading) and students who were engaged were sitting and listening.
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SRP Evaluation based on Progress Monitoring Site Visit

State Review Panel Criteria		Claims & Evidence
3. There is readiness and apparent capacity of personnel to plan effectively and lead the implementation of appropriate action to improve student academic performance.		Capacity Level: <input type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input type="checkbox"/> Developing <input checked="" type="checkbox"/> Not Effective
3.1: Educators' mindsets and beliefs reflect shared commitments to students' learning.	<ul style="list-style-type: none"> • Educators convey shared vision and values about teaching and learning and reference these to guide their instructional decision making. • Educators convey a shared commitment to the learning of all students in the school. • Educators convey a belief that students' learning is their collective responsibility, regardless of students' personal or home situations. • Educators convey that it is important not to give up on any students, even if it appears that they do not want to learn. • Educators convey commitment to, and hold each other accountable for, collaboratively-established improvement goals and tasks. 	Not all educators have mindsets and beliefs that reflect a shared commitment to student learning. <ul style="list-style-type: none"> • When asked about a commitment to student learning, some school staff conveyed that students' personal and home situations interfere with learning. For example: students cannot learn in a traditional way; gangs, drugs, and high poverty plague the neighborhood; and students bring challenging behaviors into the school. • Some staff stated that the school is a difficult place to work and they must earn respect from the students. Other staff indicated that students' lives are difficult. They come to school hungry, live below the poverty level, and do not know where they will go after school. Other staff reported that while it is important to have a curriculum, you cannot learn unless students' basic needs are being met (i.e. Maslow hierarchy of needs). • School staff described how some of the faculty believe kids can learn. Several teachers described an interest in focusing on CKH to continue to build and foster relationships between and among students and staff across the school. • In focus groups, leaders, teachers, and school staff described how the community has a bad reputation, and there is a perception that students are poor performers. For example, students come to the school very low academically and, historically, the elementary feeder schools have been low performers.
3.2: The school has established conditions that support educators' learning culture.	<ul style="list-style-type: none"> • Communications among all stakeholder groups are constructive, supportive, and respectful. • Communications between leadership and staff are fluid, frequent, and open. • School leaders' model and convey well-defined beliefs about teaching and learning, and convey value for innovation, learning from mistakes, and risk taking. • School leaders ensure that staff and team meeting discussions are structured and facilitated to support the staff's reflective dialogue around data and instruction (e.g., attend to explicit group norms, use protocols). • School leaders provide guidance to teacher teams (e.g., help to establish meeting routines; model and promote use of discussion protocols; ensure systematic monitoring of student progress; create focus on linking results to instruction) and ensures that teachers utilize tools and time well. • School leaders participate in formal and informal professional learning, including their own leadership development about 	

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	<p>how to improve curriculum and instruction in a leadership context (i.e., elementary or secondary; high- or low-poverty; large or small schools).</p>	<p>The school has not established sustained conditions that support educators' learning culture.</p>
<p>3.3: Educators collaborate regularly to learn about effective instruction and students' progress.</p>	<ul style="list-style-type: none"> • Educators meet frequently during regularly scheduled, uninterrupted times (e.g., staff, department, grade level meeting times) to collaborate, establish improvement goals, and make data-informed instructional decisions. • Educators' collaborative meetings have a clear and persistent focus on improving student learning and achievement. • Educators describe sharing knowledge and expertise among colleagues as an essential collaborative activity for job success. • Teachers are willing to talk about their own instructional practice, to actively pursue and accept feedback from colleagues, and to try new teaching strategies. • The school has created a performance-driven classroom culture in which teachers effectively use data to make decisions about daily instruction and the organization of students. 	<ul style="list-style-type: none"> • Across focus groups, all stakeholders reported that staff turnover is a challenge year-after-year. Finding staff to fill positions and onboarding new staff who are qualified has been problematic. School leadership shared, for example, that the school is still trying to fill positions due to staff resignations this school year. • Teachers, school leaders, and staff indicated that the teacher strike last year has had a negative impact on the adult culture, staff relationships, and continuity. For example, several staff members indicated that Risley used to be a cohesive family, but now it feels like there has been a line drawn in the sand. Other staff described how the division among staff is related to teacher perspectives on what will move the school forward.
<p>3.4: The school engages the community and families in support of students' learning and school improvement efforts.</p>	<ul style="list-style-type: none"> • The school includes parents/guardians in cultivating a culture of high expectations for students' learning and their consistent support of students' efforts. • The school invites family participation in school activities (e.g., volunteering in classrooms or on committees; attendance at performances, sports events, organizational meetings) and regularly solicits their input. • The school offers workshops and other opportunities for parents/guardians to learn about home practices that support student learning. • Educators communicate with parents/guardians about instructional programs and students' progress. 	<ul style="list-style-type: none"> • When asked about the adult culture, teachers reported that there is tension and division among the staff and administration and that there is a lack of professionalism and trust in the building. They described the dynamic between adults at the school as mostly negative and reported that the staff culture is slowly eroding. • In focus groups, some teachers reported feeling that school leaders are not always aligned. Some staff described experiencing tension and, in some instances, a lack of professionalism among school leaders. Other staff indicated that some school leaders treat staff differently and that certain groups of teachers are more aligned with one administrator over another. Several stakeholders stated that the school leader lacks confidence, can be "top-down," and make staff feel undermined. • District leaders described how the administration is new. They are still learning but believe they will improve with time and training.

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	<p>Many educators collaborate regularly, but the impact of collaboration on instruction and student progress has not yet being realized.</p> <ul style="list-style-type: none"> • As listed in the bell schedule document and as described by school leaders, teachers and staff PLCs occur three days a week, consistently in the mornings from 7:45 a.m. – 8:25 a.m. Staff reported that assistant principals regularly attend PLCs; however, the principal does not. In addition, some staff stated that they are not a part of the PLCs and do not see the data from the PLCs. • School leadership stated that there are PLCs in the morning that focus on data discussions, effective lesson planning, and curriculum discussions, with the BLT members as the PLC leaders. • It was also mentioned that the BLT meets with administration and serves as the liaison with teachers in the departments to collaborate on lesson planning. It was unclear when the school provides professional training for staff outside of a week-long PD at the beginning of the school year. • School leadership stated that the ANet coach meets with the ELA and math teams and school leadership weekly, and that business staff meetings occur once a month. • Additional collaboration efforts at the school were mentioned in the Risley Staff Teams document, which listed the names of the school's committees (e.g., Student Support, Staff Enrichment, PBIS, Parent/Community Outreach, and Risley Pride Team), names of the staff members, dates and location of the meetings, and the key responsibilities for each committee.
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		<p>The school is beginning to re-engage the community and families in support of students' learning and school improvement efforts.</p> <ul style="list-style-type: none"> • School leadership reported that a Booster Club has been recently developed that will help support fundraising activities and after-school activities. School stakeholders indicated that the school has not had a Parent-Teacher Organization (PTO) in 20 years. They also mentioned the development of a new School Accountability Committee. • The community focus group stated that the school has partnerships with the Boys and Girls club, the community library, and Health Solutions (Wellness center) that are established at the school. • In focus groups, school leadership and community partners reported that the Boys and Girls Club met with the staff to determine how to best support student learning during club time. The community group reported that the Boys and Girls club provided tutoring and after-school activities for students, teen development activities, career pathways information, and other activities that included a ropes course and a field trip to the University of Colorado-Pueblo, and information on how to write a résumé. They also reported providing food at the all-day Friday club when students are out of school. School leadership indicated that the Boys and Girl Club is collaborating with administration to present the 21st century grant and UIP findings to parents at a "Listening Session" in October. • Parents and students reported that teachers communicate with parents by calling home for "shout outs" (good things kids have done), for attendance and tardies and for celebrations (e.g., when a student won 1st place in an art contest). Parents also listed Facebook as a form of communication between the school and families. One parent mentioned the school community forum that took place
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		before school started that provided food and supplies. Another parent mentioned that there are community projects completed by 8th grade students.
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SRP Evaluation based on Progress Monitoring Site Visit

State Review Panel Criteria		Claims & Evidence
4. There is readiness and apparent capacity to engage productively with, and benefit from, the assistance provided by an external partner.		Capacity Level: <input type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input type="checkbox"/> Developing <input checked="" type="checkbox"/> Not Effective
4.1: The school collaborates effectively with existing external partners.	<ul style="list-style-type: none"> The school seeks expertise from external partners, as appropriate (i.e., for professional development, direct support for students). The school ensures that roles and responsibilities of existing partners are clear. There are designated school personnel to coordinate and manage partnerships. 	<p>The school is not yet collaborating effectively with ANet.</p> <ul style="list-style-type: none"> District and school leaders described how ANet has provided a strong foundation and support for teachers and leaders around best instructional practices, standards alignment, lesson planning, and the rigor of classroom instruction. They stated that support from ANet includes: a coach who works a half-day a week with the school to provide support to school leaders and coaches; interim assessment three times per year in ELA and math; data analysis and data-driven instruction; implementation of the new curriculum; and standards alignment. District and school leaders also described how ANet and district leadership visit the school together, conduct walkthroughs, and meet with school leaders. District leaders reported that ANet has worked at the school for several years and as the school's Management Partner, began to provide more intensive support to the school. They also indicated that there was not a selection process for a Management Partner and a decision was made to expand the current partnership. In focus groups, school staff stated it was unclear as to how the partnership with ANet was developed or expanded. In focus groups, district and ANet leaders described how they are working on strengthening the partnership and working more collaboratively. They also indicated that there were some challenges the previous school year. They stated that an individual at the district
4.2: The school leverages existing partnerships to support of student learning.	<ul style="list-style-type: none"> The school maximizes existing partners' efforts in support of improvement efforts. All externally provided professional development is aligned to improvement efforts. 	
4.3: Leadership is responsive to feedback.	<ul style="list-style-type: none"> Leadership seeks feedback on improvement plans. Leadership seeks feedback from key stakeholders Leadership integrates feedback into future improvement efforts. 	

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	<p>is working to increase district support of, and engagement with, the ANet partnership.</p> <ul style="list-style-type: none"> • District and ANet leaders also described how ANet's strength is the instructional framework they bring to the school and not executive or leadership development coaching. District leaders indicated they are working to ramp up supports for the district to better support and develop the school's leaders. • District staff referenced the Management Partnership Decision Making Matrix in the school's Management Partner Plan (page 55) that identifies the responsibilities for ANet and the district. ANet stated that the first year of the implementation required new understanding of specific roles and responsibilities. The process is still being defined. (This was confirmed by the district.) <p>The school is beginning to leverage the existing partnership to support student learning.</p> <ul style="list-style-type: none"> • District, school leaders, and ANet leaders all reported that the current partnership structure is not sufficient to adequately support the school with its current needs, and to ensure that the school exits the accountability clock. They described how ANet's focus and area of expertise is narrow and is not designed to support the school with other needs beyond implementing an instructional framework and providing support to school leaders to develop instructional leadership skills. For example, ANet does not focus on leadership development, recruiting and retaining quality staff, and other school operations. • In a focus group, ANet leaders reported that building capacity has been a challenge at the school for several reasons – for example, high teacher turnover; some classrooms are not fully staffed; new
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		<p>teaching staff are still learning classroom management skills; and the administration has limited school leadership experience. They described how (for some of the abovementioned reasons) instruction did not shift enough to dramatically improve practices or student achievement. They also indicated that it took a year to establish expectations for their work together with school leadership. However, now there is a revised plan in place that includes increased collaboration from school leadership and more support from the district.</p> <ul style="list-style-type: none"> ● When asked about next steps to for this school year, ANet leaders stated the following: ensure that structures are in place; define clear roles and responsibilities; complete daily observations in classrooms; and conduct consistent data meetings. ● Some school leaders indicated the ANet partnership provides increased direction and support for some of the school's improvement efforts, describing how ANet is the reason for clarity and direction at the school, and without their partnership, there would be none. ● Some of the teachers and staff indicated that the partnership with ANet is effective, helpful, and useful, and that they are learning a lot. Other teachers stated that the partnership with ANet is not effective, that it is just another layer and is not aligned to the direction they believe the school should go.
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SRP Evaluation based on Progress Monitoring Site Visit

State Review Panel Criteria		Claims & Evidence
5. There is likelihood of positive returns on State investments of assistance and support to improve the performance within the current management structure and staffing.		Capacity Level: <input type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input type="checkbox"/> Developing <input checked="" type="checkbox"/> Not Effective
5.1: Leadership monitors the return on investment of specific improvement initiatives and uses that data to inform decision-making.	<ul style="list-style-type: none"> Leadership identifies turnaround strategies and implements programs/initiatives designed to improve student performance. Leadership assesses the cost and impact (effect on student achievement and number of students served) of each program/initiative to determine its academic return on investment. Leadership makes decisions regarding continuation or discontinuation of programs/initiatives based on this analysis. Leadership establishes systems and structures to support regular and ongoing monitoring. 	<p>Leadership does not monitor specific improvement initiatives or use the data to inform decision making.</p> <ul style="list-style-type: none"> Some school leaders stated that the programs and initiatives being implemented at the school are aligned and working together – for example, the IB framework, AVID, PBIS, CKH, and the new curricula. However, when asked about systems and structures to document this alignment or to determine the effectiveness of each, leadership could not provide data or articulate procedures for monitoring. When asked the about the school’s turnaround status and the effectiveness of programs/initiatives, school leaders and staff indicated that they have worked hard to ensure that student work is at grade level, to stabilize staff turnover, and that innovation dollars are spent to send the principal and some staff to IB training at the beginning of the summer. However, neither school leaders or staff could neither provide information on the effectiveness of programs or initiatives. Nor could they describe a plan to understand what is working and maintained, and what is not working and discontinued. For example, some staff reported there are a lot of programs being implemented at the same time, making it difficult to know what is working and what is not working. Others indicated that, when asked how the school was determining the effectiveness of programs and initiatives, this was a good question.
5.2: Leadership has demonstrated an ability to produce positive returns on State investment and uses resources effectively.	<ul style="list-style-type: none"> Programs and initiatives are designed to support turnaround efforts and have demonstrated results. Leadership seeks resources aligned to its improvement efforts and programs/initiatives with high academic return on investment. Any additional resources received (i.e., specialized grant funding) are aligned, strategic, and showing evidence of results. Leadership treats resources flexibly and implements focused improvement efforts with a focus on early wins. 	
5.3: Students demonstrate academic progress over time.	<ul style="list-style-type: none"> Students demonstrate progress on internal measures linked with the school’s promotion or exit standards. The performance of student subgroups on State assessments demonstrates that the school is making progress toward eliminating achievement gaps. Students meet proficiency and grade-level targets across subjects and grade levels on norm-referenced benchmark assessments and State assessments. 	

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	<ul style="list-style-type: none"> • Matched cohorts of students who score proficient or advanced (or equivalent) on State assessments maintain or improve performance levels across continuous enrollment years. • The percentage of all students performing at proficient or advanced (or equivalent) on State assessments increases over time. • Students demonstrate academic growth as measured by value-added or State growth percentile measures. • Students demonstrate progress toward attaining expected knowledge and skills as measured by interim assessments. 	<p>Leadership has not demonstrated an ability to produce positive returns on State investment and use resources effectively.</p> <ul style="list-style-type: none"> • District leaders described interviewing the administrators (separately) to review, provide some analysis, and address the number of programs and initiatives at the school in order to understand the effectiveness and sustainability of each. They indicated plans for program review and evaluation are linked to the renewal of the school's Innovation Plan. • In focus groups, some school leadership and staff reported money for funding AVID and IB certification and authorization are paid through innovation funds. Further, they indicated, and teachers also reported, that staff attendance is not required at these trainings and/or not all staff are invited to attend the trainings. Evidence was not provided to the site visit team to show full implementation or impact of either AVID or IB. • Some school leadership and staff reported that the Title 1 budget pays for part of the ANet partnership, reading and math intervention teachers, and training on instructional practices (e.g., extended learning). <p>Students' academic progress over time is insignificant.</p> <ul style="list-style-type: none"> • Although the Preliminary 2018 School Performance Framework (SPF) showed a slight improvement of total points earned from 25% in 2017 to 31.4% in 2018, the rating of turnaround has not improved. The school is not meeting any area in academic achievement and in every student subcategory, indicating that they not making progress toward eliminating achievement gaps. In addition, the school is entering Year 8 of Priority Improvement/Turnaround. • The SPF Academic growth section showed slight increases in math with the median growth percentile in 2017 at the 29.5 percentile and at the
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		36 th percentile in 2018, however, the growth results are not dramatic enough to move the school off the accountability clock.
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SRP Evaluation based on Progress Monitoring Site Visit

State Review Panel Criteria		Claims & Evidence
6. There is necessity that the school remain in operation to serve students.		[X] Yes [] No
6.1: The school is mission-driven and its mission and vision meet a unique need.	<ul style="list-style-type: none"> All stakeholders share an understanding of, and commitment to, the mission and vision. School programs reflect the mission and vision. The mission and vision guide decisions about teaching and learning. The mission and vision meet the needs of an identified student population. 	<p>The school has a mission statement but it is not clear the school is mission-driven.</p> <ul style="list-style-type: none"> The mission and vision are located on the school's website and is included in the UIP. It states, "Our vision is to develop globally-minded, life-long learners who are reflective, compassionate, and responsible citizens. Our mission is to collaboratively respond to the individual academic and social needs of our students. We are committed to providing an engaging and rigorous curriculum that empowers students to achieve personal, educational and career aspirations as members of an intercultural community." When asked in focus groups, school staff and community stakeholders were unable to state the school's mission or identify the school's vision. <p>There are not currently other viable options available that would be likely to improve outcomes for students.</p> <ul style="list-style-type: none"> District leaders reported that Risley is a unique school and that closure is not an option; there are no other viable options. Further, district and school leaders stated that the community relies on the school as a hub for after-school activities, athletics, and other resources provided onsite, such as the Wellness Center. School leaders reported that the nearest school is at capacity with 700 students. They also described how Risley serves a
6.2 There are no other viable options for enrolled students that will likely lead to better outcomes.	<ul style="list-style-type: none"> There are limited other school options available (e.g., online, charter, district). The school serves an isolated and/or remote community. Closure would have a significant negative impact on the community. Comparison schools do not promote better student outcomes. 	

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		<p>high-needs population and has been struggling academically for many years; also, some of it is out of the school's control.</p> <ul style="list-style-type: none"> • Some school leaders also indicated converting the school to a charter school was not a viable option; the same student population and community challenges would face the charter school. • Parents reported strongly supporting the school and feel that Risley is the only option because it is the neighborhood community school, has been around a very long time, the athletics are great, and the students are happy.
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State Review Panel Document Review Feedback Form 2018-19

EXHIBIT 1



COLORADO
Department of Education

Purpose: To critically evaluate the district/school's plan (i.e., Unified Improvement Plan) and performance. This report will be used as one element of a body of evidence to inform actions that may be undertaken by the Commissioner of Education and the State Board of Education.

Reviewer Names: Amy Weed and Andy Franko

Date: 09/18/18

District Name/Code: Pueblo City 60/2690

School Name/Code: Risley International Academy of Innovation/4376

SRP Summary	Capacity Level:
1. The leadership is adequate to implement change to improve results.	Developing
2. The infrastructure is adequate to support school improvement.	Developing
3. There is readiness and apparent capacity of personnel to plan effectively and lead the implementation of appropriate action to improve student academic performance.	Not Effective
4. There is readiness and apparent capacity to engage productively with, and benefit from, the assistance provided by an external partner.	Developing
5. There is likelihood of positive returns on State investments of assistance and support to improve the performance within the current management structure and staffing.	Not Effective
6. There is necessity that the school/district remain in operation to serve students.	Yes
Based on your professional judgment, will the plan result in dramatic enough change to pull the school/district off the accountability clock if it is implemented as written? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not sure, more information is needed. Specify the additional information required.	
Based on your professional judgment, what is your overall level of concern regarding this school/district's ability to significantly improve results? Level of Concern: <input checked="" type="checkbox"/> High <input type="checkbox"/> Moderate <input type="checkbox"/> Low <input type="checkbox"/> Cannot determine. Specify the additional information required.	

State Review Panel Document Review Feedback Form 2018-19

EXHIBIT 1



COLORADO
Department of Education

Overall Comments

Risley International Academy of Innovation (Risley) currently serves 329 students in 6th – 8th grades. School demographics from the Colorado Department of Education (CDE) SchoolView dashboard indicate: the school serves a minority population of 78%; 97.5% of students qualify for free and reduced-priced meals; 20.2% are students with disabilities; 16.9% are English language learner (ELL) students; and less than 2% of the students are identified as gifted and talented. Student enrollment numbers have decreased over the years – from 369 in 2013-14 to 326 in 2017-18.

The school identifies an inconsistency in school leadership and a limited number of master teachers as constraints to making drastic and sustained improvements. The School Performance Framework (SPF) shows that the school will enter Year 7 of Priority Improvement or Turnaround. Risley has received a Turnaround rating every year between 2010 and 2016, with the exception in 2013 when it earned a Priority Improvement rating. The 2017 SPF shows that the school has a rating of Does Not Meet in both the academic achievement and growth areas, and ratings of Does Not Meet in all content areas and sub categories. Preliminary results from the 2018 SPF indicate that the total school increased from 25% in 2017 to 31.4% in 2018. An additional 3.6% gain will need to be made to move the school into a Priority Improvement plan type, and a 11.6% gain to move into an Improvement Plan type and off the accountability clock.

Risley became one of the first schools in the district to seek Innovation Status with the State in 2013 and is in its fifth year as an Innovation School. A number of district, State, and external supports have been provided to the school over the past five years. These supports include a partnership in the Innovation Zone, additional district funding (\$400,000 in 2017-18), access to the Turnaround Leadership Program (2015), and a partnership with Achievement Network (ANet). Additionally, CDE, through the State Review Panel, has conducted diagnostic and site reviews – providing the school with specific feedback. A detailed Management Partnership Plan (MPP) was written by the school and district and submitted to CDE in June 2017. A Proposed Final Written Determination of the State Board of Education from June 2017 recommended that Risley International continue its status as an Innovation School and identify an external Management Partner of ANet. The school also implemented an extended day and year calendar, standards-based grading and reporting, professional learning communities (PLC's), and regular observation feedback sessions with teachers.

The school did have a Unified Improvement Plan (UIP); however, the MPP was referenced for more detail. The MPP is a robust and rigorous plan. However, it is not clear whether the school has the internal capacity to implement the plan to the fullest, to obtain dramatic academic achievement and growth results. For example, page 27 of the MPP lists in detail the large number of formative and summative assessments that will be implemented during the school year, and the frequency of each. These include: School City 2 times a year, Reading Inventory 4 times a year, math inventory 4 times a year, science and social studies 2 times a year, ANet interim assessments 3-to-4 times a year for English language arts (ELA) and math. Also, there are numerous topics for the professional development (PD) opportunities listed throughout the year. These include: information about the MPP; schoolwide expectations; ANet-identified topics; book study; Trauma Sensitive Classrooms; Capturing Kids Hearts (CKH) process and in-class interventions; students' culture classroom system with Positive Behavioral Intervention and Support (PBIS) structures no-bully prevention; planning/teaching/assessing using International Baccalaureate Middle Years Program (IB –MYP); Advancement Via Individual Determination (AVID) framework; and Educator Effectiveness. The MPP also mentions the topics for early release Fridays during the year and include: weekly data meetings; structures and expectations; common instructional needs identified during monthly walkthroughs and classroom observations Trauma Sensitive Classroom book study and aggressive monitoring techniques and applications. If the MPP can be implemented at a high level, and the relationship with ANet and the school can be implemented at a high level, then the school may show student growth and achievement results.

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Areas that should be explored more deeply through an on-site visit:

- The 2018 SPF rating and the 2018 Colorado Measures of Academic Success (CMAS) data.
- Monthly walkthrough data from the district/school and ANet. How has the partnership with ANet worked during the 2017-18 school year? How closely does the school adhere to the plan? Look at the effectiveness and impact of the coaching of teachers, professional development plan, etc.
- What does the interim assessment data suggest about improving instructional practices, especially in the areas of English language arts (ELA), math, and science?
- The UIP states that teachers will "...use the demands and aspects of rigor to analyze their curricular resources to develop daily lesson plans that meet the demand of the grade level standards." How does lesson planning take place? Who checks for rigor? How is rigor commonly defined?
- To what extent is professional development (PD) improving instructional practices? How are the strategies in math and ELA listed in the MPP directly impacting all student groups?
- How is the RELAY training being implemented at the school with administration and what is its impact? What data are collected during the classroom walkthroughs and how are teachers given feedback? What evidence is there of improved teacher's instruction?
- The effectiveness and impact of the AVID program.
- The effectiveness and impact of the IB-MYP program. How have teachers aligned the Common Core standards to the IB standards?
- Look at the current discipline data including the number of referrals, the number of the out-of-school suspensions (OSS) and in-school suspensions (ISS). How does the newly hired behavior interventionist monitor and support student work during ISS? Have clear behavioral and social expectations been set from the PBIS and CKH programs?
- Look at current attendance and truancy data for all students and the effectiveness and impact of the partnership with the Truancy Intervention Project (TIP).
- Look at the parent involvement plan and results of the impact.
- What other schools are in the Innovation Zone and how does recent Risley data compare to these schools?

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SRP Evaluation Based on Unified Improvement Plan and Other Available Documents

1. The leadership is adequate to implement change to improve results.		Capacity Level: [] Highly Effective [] Effective [X] Developing [] Not Effective [] Unable to Assess	
State Review Panel Criteria		Look-Fors	Evidence
1.1: Leadership acts as a change agent to drive dramatic achievement gains.	<ul style="list-style-type: none"> Leadership communicates a relentless commitment to the school/district turnaround. Leadership makes data-driven changes to the academic program and organization to promote dramatic achievement gains. Leadership conveys clear expectations for performance for all stakeholders, including leadership, teachers, students, and partners. Leaders distribute leadership responsibilities to appropriate individuals or groups. 	<ul style="list-style-type: none"> Evidence of leadership driving impactful change. (<i>Major Imp. Strategies & Action Plan</i>) The degree to which leadership has been continuous over time or change(s) in leadership utilized to activate change. (<i>See HR data.</i>) 	<ul style="list-style-type: none"> The Unified Improvement Plan (UIP) and Management Partnership Plan (MPP) mention that there was a new leadership change in August 2017 that includes a new principal and one new assistant principal. Although the principal is new to her position, she has been with the school since the 2011 school year, according to her Linked In profile on the internet. It is clear through her message to families on the school website that she has a great deal of pride in Risley International; however, the school, during the time of the principal's employment, has not shown significant gains. According to the MPP, the current district superintendent was the principal at Risley from 2010-2016. It is not clear who the principal was during the 2016-17 school year. The MPP states that the principal will be coached weekly and evaluated by the Executive Director of Continuous Improvement and Innovation (EDCII) on the following topics: coaching of teachers; classroom walkthroughs; facilitation of Professional Learning Communities (PLC's) and Data Driven Instruction (DDI's); and facilitation of the Building Leadership Team (BLT). In the MPP, it states that the principal is a RELAY graduate. RELAY is a teacher-performance program designed to improve instructional feedback. According to the UIP, school leadership promotes clear expectations of performance. For example, the UIP executive summary indicates a school-wide commitment to improving math through a study of the major work, rigor, and instruction. Additionally, the UIP states a commitment to implementing text-based planning for deeper understanding of complex text across all content. The UIP indicates school and district leadership, in partnership with Achievement Network (ANet), analyzed school-level local data, feedback from a SchoolWorks Diagnostic Review Visit, student culture trends, State Review Panel feedback, and State assessment data to determine root causes when establishing major improvement strategies.

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<p>1.2: Leadership establishes clear, targeted and measurable goals designed to promote student performance.</p>	<ul style="list-style-type: none"> • Leadership communicates clear and focused goals that are understood by all staff. • Educators understand their responsibilities for achieving goals. • Leadership maintains school-/district-wide focus on achieving established goals. • Leadership allocates resources in alignment with goals and critical needs. • Leadership has established systems to measure and report interim results toward goals. 	<ul style="list-style-type: none"> • High, but realistic, goals are set. • Benchmarks are identified throughout the year. • Plan and narrative convey a sense of urgency. • Clear roles and ownership of action steps are identified. 	<ul style="list-style-type: none"> • The UIP outlines three specific Major Improvement Strategies: 1) Ensure standards-aligned math instruction; 2) Ensure students deepen understanding in literacy; and 3) Improve student culture and climate. • The MPP conveys a sense of urgency and lists the areas of focus for the school for the 2017-18 school year: consistent Tier 1 instruction and standards-aligned lesson planning; use of assessment strategies to monitor student progress toward meeting standards; increase teachers understanding of instructional strategies that will engage students and meet their social-emotional needs; and targeted PD opportunities. • The MPP lists three overarching academic goals for the school as measured by CMAS: achieve growth results in the 60th percentile in ELA and math; increase meet/exceed standards by 10% per year in ELA and math; and meet/exceed district and State expectations for school performance by earning a school rating of Meets Expectations. • The MPP lists two overarching instructional strategies: best first instruction in all content areas; and Data-Driven Instruction (DDI). It states the all content areas will engage in daily professional learning community (PLC) work to focus on these two instructional strategies. • Two-year, high and realistic goals are set in the MPP (page 11) that include CMAS student achievement and growth targets in ELA and math; district benchmark assessment targets in ELA and math; attendance targets; and out-of-school suspension targets. • According to the Teaching and Learning Conditions Colorado (TLCC) Survey, 17 of 29 Risley employees (65%) responded positively to having participated in the improvement planning process. The comparable Colorado (State) favorable response rate is 75%.
<p>1.3: Leadership analyzes data to identify and address high priority challenges, and to adjust implementation of the action plan.</p>	<ul style="list-style-type: none"> • Leadership communicates data trends and issues, ensures timely access to data, and models and facilitates data use. • Leadership openly shares results and holds staff accountable for results and effective use of data. • Leadership first concentrates on a limited number of priorities to achieve early, visible wins. • There is regular progress monitoring of performance and implementation data and, as appropriate, results lead to elimination of tactics that do not work. • Benchmarks are used to assess progress toward goals; goals are adjusted as progress is made. • Data on progress toward goals drives organizational and instructional decision making. 	<ul style="list-style-type: none"> • Evidence that goals are based on data re: past performance. <i>(See data analysis/narrative)</i> • Focus on a limited number of changes. <i>(See Priority Perf. Challenges.)</i> • Resources are allocated for new programs or identified action steps. 	<ul style="list-style-type: none"> • According to the UIP data analysis section, the school compiled and analyzed the following data to develop the school goals: ELA and math CMAS; district benchmark data (School City); ANet interim assessments; the SPF; and discipline data. • The school UIP identifies priority performance challenges as pervasively low achievement and growth in ELA and math across all grades and subgroups and a high number of office referrals, out-of-school suspensions, and absenteeism. • The UIP provides the rationale for why the performance challenges and root causes were developed as: lack of an aligned, integrated, and research-based instructional model that engages students cognitively and ensure that students learn to mastery; observation and feedback

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		<ul style="list-style-type: none"> Structures for sharing and using data are present. <i>(See Action Plan.)</i> 	<p>on instruction has not been consistent; inconsistent implementation of improvement plan efforts; and CKH and PBIS programs inconsistent with low parent involvement.</p> <ul style="list-style-type: none"> According to the UIP, weekly data meetings with a PLC framework are held. The MPP states a focus is placed on consistent, systematic Tier I instruction, use of assessment to progress monitor, engaged instruction strategies, and professional development in targeted areas. The MPP identifies ANet, in conjunction with district leadership, will monitor progress toward success at Risley through the following tools/systems: School Leader Practice Tracking; school classroom instructional practice (using the Student Achievement Partners' Core Actions); and student achievement.
<p>1.4: Leadership establishes high expectations for student learning and behavior.</p>	<ul style="list-style-type: none"> The school/district holds high expectations for academic learning. Educators set high expectations for learning and clearly convey these to students. Educators convey that students are responsible for raising their performance and encourage their participation in learning. The school/district provides a safe environment to support students' learning and, in the case of a virtual school, ensures that students' interactions between and among themselves and school staff are respectful and supportive. Leadership ensures that the school's physical environment is clean, orderly, and safe. 	<ul style="list-style-type: none"> Elements of climate and culture are identified and addressed in the plan(s). <i>(See Data Narrative, Root Cause Analysis, Action Plan, TELL data.)</i> 	<ul style="list-style-type: none"> According to the UIP prior years' targets, the school has struggled in the past with a high number of office referrals and out-of-school suspensions. The school has 629 office referrals and 229 out-of-school suspensions at the end of the 2016-17 school year. The school's website identifies resources for families to consider regarding the importance of consistent attendance at school. The MPP provides strategic targets and indicates intention of improving student discipline rates, overall attendance rates, and chronic absenteeism rates. The MPP states that building relationships with students is essential to develop a positive learning environment in which students feel safe, welcomed, and supported. However, the high number of discipline referrals and out-of-school suspensions do not reflect that expectation. The MPP includes attachment 1, the Innovation Zone Compact, which every student and parent receives that sets expectations for completing homework, attending after-school tutoring, maintaining a 95% attendance rate, having an incident-free behavior record. It also states that parents will attend all parent-teacher conferences, two parent nights, and all Response to Intervention (RtI) meetings. Elements of climate and culture are addressed in the UIP and the MPP. The school uses the PBIS curriculum, a multi-tiered system of student supports that addresses the social/emotional needs of all students. The MPP also states that Risley will establish clearly-defined behavioral expectations for all common areas and positive behavior reinforcements, but specific details of the expectations are not included in the plan. Capturing Kids Hearts program will also be

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			<p>'rebooted,' this provides a systematic and explicit methodology for classroom management strategies.</p> <ul style="list-style-type: none">• The MPP states that in April 2017, Risley began piloting a new Truancy Improvement Program which identifies students and their families who may be struggling with consistent attendance and collaborates with the Department of Social Services and other community advocates. The UIP lists the percentage of students with chronic absenteeism (less than 90% attendance) is above 30%.• According to the TLCC survey, 64% of respondents favorably agree that the school is led by an effective team. The comparable Colorado (State) favorable response average is 82%.• According to the TLCC survey, 33% of teachers believe Risley is a safe place to work. The comparable Colorado (State) favorable response average for this item is 93%.
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2. The infrastructure is adequate to support school improvement.		Capacity Level: <input type="checkbox"/> Highly Effective <input type="checkbox"/> Effective <input checked="" type="checkbox"/> Developing <input type="checkbox"/> Not Effective <input type="checkbox"/> Unable to Assess	
State Review Panel Criteria		Look-Fors	Evidence
2.1: The district leads intentional, strategic efforts to ensure the effectiveness of the academic program and the sustainability of the organization.	<ul style="list-style-type: none"> The district/superintendent ensures ongoing leadership development for emerging and current school leaders with a focus on building leadership capacity to lead turnaround efforts and sustain improvement. The district/superintendent provides adequate oversight in schools' work to deliver the curriculum, monitors instruction on a regular basis, and provides adequate support and feedback to principals to improve instruction. The district provides adequate systems by which to capture and store data, report it to schools, and make it accessible for instructional staff to utilize. 	<ul style="list-style-type: none"> Evidence of district involvement. <i>(See Data Narrative, Action Plan.)</i> 	<ul style="list-style-type: none"> There is strong evidence of district involvement detailed in the MPP that lists the Assistant Superintendent of Learning Services (ASLS) and the Executive Director of Continuous Learning and Innovation (EDCII) will work alongside the ANet consultants and will provide weekly coaching support to the newly-hired principal. The support will include coaching of teachers, classroom walkthroughs, facilitation of data-driven PLCs, facilitation of whole staff professional development, and facilitation of the Building Leadership Team (BLT) meetings. According to the MPP, the school gained Innovation status from the State Board of Education in 2013. The MPP goes on to state that the school joined the network of innovation schools in Pueblo City School District 60 to formulate an Innovation Zone in 2016. The Zone works together strategically to support the process of improving each school and student outcomes. The MPP also states that the ASLS, EDCII, ANet executive director, and the principal will conduct monthly building walkthroughs to monitor overall progress toward innovation plan implementation and management partnership plan implementation, at both the district and school levels. The MPP mentions that all Innovation Zone principals, which includes the Risley principal, will meet monthly under the direction of the EDCII, in addition to the monthly K-12 principal meetings.
2.2: Leadership has a strong focus on recruiting and retaining talent; creates and implements systems to select, develop, and retain effective teachers and staff who can drive dramatic student gains; evaluates all staff; and dismisses those	<ul style="list-style-type: none"> Leadership has created and/or implemented an organizational and staffing structure that will drive dramatic student gains. Leadership recruits and hires teachers with commitment to, and competence in, the school's philosophy, design, and instructional framework (e.g., trained and experienced with curriculum, certified/licensed to teach, qualified in subject area). Trained mentors provide beginning teachers with sustained, job-embedded induction. Leadership ensures the evaluation of all staff and dismisses those who do not meet standards and expectations. Leadership provides teachers with active, intense, and sustained professional development (PD), including guidance on data analysis and instructional practice, aligned to school improvement efforts. 	<ul style="list-style-type: none"> Indication of strategic staff changes, particularly at the supervisory level, to support dramatic improvement efforts. <i>(See HR data.)</i> Evidence of professional development activities aligned to priorities. <i>(See Data Narrative, Action Plan, TELL data.)</i> 	<ul style="list-style-type: none"> According to the MPP, Pueblo City School District 60 committed additional resources in the amount of \$400,000 to the school for the 2017-18 school year. The school used the additional resources to hire: a second assistant principal; IB and AVID instructional coaches; an RtI Coordinator; and a World Language Design Teacher. Additionally, five additional professional development days were funded. The UIP indicates in the root cause analysis that retaining teachers has been a problem at the school. Additionally, the UIP states there has been pervasive turnover in leadership positions, to include the principal, at Risley. As a result, the root-cause analysis concludes there was "...a lack of focus and systematic follow-through on the implementation of the improvement plan." The MPP mentions that a behavior support teaching position was added to support students who have detention or in-school suspension. The plan also mentions that, where possible, intervention classes will be

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<p>who do not meet professional standards and expectations.</p>	<ul style="list-style-type: none"> ○ PD is informed by ongoing analysis of student performance, instructional data, and educators' learning needs. ○ PD requires teachers to demonstrate their learned competency in a tangible and assessable way. ○ PD engages teachers in active learning (e.g., leading instruction, discussing with colleagues, observing others, developing assessments), and provides follow-up sessions and ongoing support for teachers' continued learning. ● The quality of professional development delivery is regularly monitored, evaluated, and improved. 		<p>restructured by placing teachers as full-time interventionists. Currently, there are six half-time intervention teachers.</p> <ul style="list-style-type: none"> ● The MPP states that the school wants to hire teachers who are committed to the mission, vision, and goals of the school and innovation plan. Page 34 discusses a hiring process that includes early recruiting of teacher candidates, a videotaped lesson review, rigorous interview questions, and an examination of previous evaluation reports. Also, incentives in the form of sign-on/stay-on bonuses and performance pay will be offered, consistent with the Innovation Zone. ● The MPP also addresses a teacher recruitment strategy that will implement a co-teaching model for student teaching via a partnership with Colorado State University-Pueblo (CSU-P) and will offer an intensive student teaching experience with master teachers. ● The MPP discusses a robust partnership with ANet that will provide the structure, coaching, and accountability for the school's instructional reform efforts. Actions will include job-embedded instructional coaching and implementation of data-driven PLC's, school-wide professional development to establish a solid understanding and use of standards, interim assessments to drive instructional planning, and leadership development for school and district administration. ● The MPP states that Risley leadership drafted a professional development calendar through October of 2018 that will receive input from the CDE Turnaround network, as well as with the ANet coach. There are numerous topics mentioned during the professional development days in August 2017, which do not appear focused. The list includes: information about the MPP; school-wide expectations; ANet-identified topics; book study; Trauma Sensitive Classrooms; CKH process and in-class interventions; students' culture classroom system with PBIS; CKH structures and the no-bully prevention; planning/teaching/assessing using IB/AVID framework; and Teacher Educator Effectiveness. The MPP continues with the topics for early release Fridays during the year and include: weekly data meetings; structures and expectations; common instructional needs identified during monthly walkthroughs and classroom observations; Trauma Sensitive Classroom book study; and aggressive monitoring techniques and applications. ● According to the 2018 TLCC Survey results, Risley had 75% of staff respond favorably to the statement, "Professional Learning has a positive impact on teaching and learning in our school." The overall favorability response in Colorado regarding Professional Development is
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			68%. Risley's overall favorable response rate is 53% in the same category.
2.3: Leadership ensures that the school/district has sound financial and operational systems and processes	<ul style="list-style-type: none"> Leadership ensures that the organizational structure supports essential functions; roles and responsibilities of all staff are clear. Leadership has established effective means of communicating with staff. Leadership ensures that the school/district meets all compliance requirements and deadlines set by the State, including the submission of school improvement plans, financial statements, school audit, calendar, and student attendance. Leadership effectively manages the budget and cash flow, and there is a plan for long-term financial sustainability. Leadership effectively manages operations (e.g., food services, transportation, school facilities). 	<ul style="list-style-type: none"> Evidence of school communication with staff. <i>(See Data Narrative, Target Setting, Action Plan, TELL data.)</i> Record of compliance. 	<ul style="list-style-type: none"> According to the MPP, the school has met all the compliance requirements and deadlines set by the State for the turnaround status rating and accountability clock process. According to the TLCC survey results, 46% of teachers responded favorably to teacher leadership questions. The Colorado average for favorable teacher leadership response is 79%. There was no evidence of how leadership manages the budget or school operations.
2.4: Leadership provides effective instructional leadership.	<ul style="list-style-type: none"> Leaders ensure that the school implements a coherent, comprehensive, and aligned curriculum. <ul style="list-style-type: none"> Leaders ensure that curriculum, instruction, and assessments are aligned with state standards, each other, and coordinated within/across grade levels. Leaders ensure that instructional materials are selected and/or developed in accordance with a school-wide instructional framework and aligned with established curriculum standards. Leaders ensure the curriculum is periodically reviewed and revisions are made accordingly. Leaders provide meaningful feedback on teachers' instructional planning and practice. <ul style="list-style-type: none"> Leaders regularly provide meaningful feedback on instructional planning. Leaders regularly observe instruction and provide meaningful, timely feedback that helps teachers improve their practice. Leaders provide conditions that support a school-wide data culture. <ul style="list-style-type: none"> Teachers have easy access to varied, current, and accurate student and instructional data. Teachers are provided time to collect, enter, analyze, represent student data & use tools to act on results. Leaders ensure that all teachers receive PD in data use (e.g., how to access, read, and interpret a range of data reports; frame questions for inquiry; analyze 	<ul style="list-style-type: none"> Instructional needs and associated curricula and assessments are identified as a mechanism to address performance needs. <i>(See Action Plan.)</i> Organizational routines are established that include ongoing data analysis to improve student learning. (Evidence of interim measures and how they will be used to monitor results.) <i>(See Data Narrative, Target Setting, Action Plan, TELL data.)</i> 	<ul style="list-style-type: none"> The UIP and MPP mention that AVID and IB-MYP are the curricular programs that the school has implemented; both are designed to improve student performance. Details about the programs' effectiveness are not provided in the plans, so it is difficult to determine the effectiveness, especially given that the programs were implemented in 2013 and student growth and achievement has declined over the years. The MPP details the IB-MYP design identifies the holistic learning approach that meets the preferred learning style of most Risley students, reinforces depth of knowledge, contributes to whole child development, offers intercultural awareness, provides student values and opportunities, and creates local progression to area high schools who also offer IB. The pedagogy draws on Gardner's work on multiple intelligence, Shayer and Adey's cognitive acceleration, and Wiggins and McTighe's studies in understanding by design. The MPP lists Math 180 as the math intervention program and Read 180 as the ELA intervention program. Further details of the frequency of the interventions are not provided. Standards-based grading is listed in the UIP and MPP, but further details of the implementation are not provided. The MPP lists the following criteria that teachers will have clearly stated and posted daily for each content area: essential question/statement of inquiry; daily learning objective; evidence of learning; common core

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	data, assessment literacy; use data tools and resources).		<p>standard/IB objective; daily schedule; active word wall; learner profile posters; social contracts; and affirmation envelopes.</p> <ul style="list-style-type: none"> • The MPP details the Tier I and Tier II curricular selections used at Risley in the subjects of math, language and literature, individuals and societies, Spanish, science, visual arts/music, design technology, physical and health education, AVID, and behavior. While the documentation cites reference to published curricula aligning to the common core, evidence is not readily available about how the school aligns curriculum to the Colorado Academic Standards. • The UIP states that the previous school leadership team was unable to follow through with action steps of the improvement plan and there was a lack of feedback provided to the instructional staff. The current MPP states that the administration and support team of district and ANet staff will “focus on the real work” and provide regular feedback to school leaders and staff.
2.5: The school/district provides high-quality instruction.	n/a	<ul style="list-style-type: none"> • <i>Not possible to assess from Document Review alone.</i> 	

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3. There is readiness and apparent capacity of personnel to plan effectively and lead the implementation of appropriate action to improve student academic performance.		Capacity Level: [] Highly Effective [] Effective [] Developing [X] Not Effective [] Unable to Assess	
State Review Panel Criteria		Look-Fors	Evidence
3.1: Educators' mindsets and beliefs reflect shared commitments to students' learning.	n/a	<ul style="list-style-type: none"> Not possible to assess from Document Review alone. 	
3.2: The school/district has established conditions that support educators' learning culture.	<ul style="list-style-type: none"> Communications among all stakeholder groups are constructive, supportive, and respectful. Communications between leadership and staff are fluid, frequent, and open. Leaders model and convey well-defined beliefs about teaching and learning, and convey value for innovation, learning from mistakes, and risk-taking. Leaders ensure that staff and team meeting discussions are structured and facilitated to support the staff's reflective dialogue around data and instruction (e.g., attend to explicit group norms, use protocols). Leaders provide guidance to teacher teams (e.g., help to establish meeting routines; model and promote use of discussion protocols; ensure systematic monitoring of student progress; create focus on linking results to instruction) and ensures that teachers utilize tools and time well. Leaders participate in formal and informal professional learning, including their own leadership development about how to improve curriculum and instruction in a leadership context (i.e., elementary or secondary; high- or low-poverty; large/small schools). 	<ul style="list-style-type: none"> Evidence of development for leaders. (See Action Plan.) Structures for collaborative activities are present. (See Action Plan, TELL data.) Roles are dedicated to supporting teams of teachers. (See Action Plan, TELL data.) Communication structures are referenced. (See Data Narrative, Action Plan, TELL data.) 	<ul style="list-style-type: none"> The MPP states that the Building Leadership Team (BLT) will meet weekly/bi-weekly to review student work samples/assessments if the implementation of the benchmark and summative assessment targets are not met. The MPP mentions that the ANet coach will work closely with the BLT to build strong leadership practices and support for teachers. The ANet coach will help plan and deliver professional learning to deepen teachers' understanding of the standards, high-quality instruction, and data analysis. The MPP states that school leaders will meet with the ANet coaches to conduct classroom observations, walkthroughs, and support other needs that arise. According to the TLCC Survey of 2018, 83% of teachers report school staff show respect to each other. Seventy-nine percent (79%) report favorably that teachers are provided with informal feedback to improve instruction. On average, Colorado reports favorably 88%, and 80% to each of the respective questions. The TLCC survey results indicate 66% of teachers who responded are favorable of the school leadership. The Colorado favorable response average is 79%.
3.3: Educators collaborate regularly to learn about effective instruction and students' progress.	<ul style="list-style-type: none"> Educators meet frequently during regularly scheduled, uninterrupted times (e.g., staff, department, grade level meeting times) to collaborate, establish improvement goals, and make data-informed instructional decisions. Educators' collaborative meetings have a clear and persistent focus on improving student learning and achievement. 	<ul style="list-style-type: none"> Collaborative meeting times and their purposes are referenced. (See Data Narrative, Action Plan, TELL data.) 	<ul style="list-style-type: none"> The MPP school design plan states that the school calendar includes additional PLC time for data and instruction analysis (193 total days) and that all staff participate in a 45-minute PLC team meeting every morning. The MPP indicates the early student release schedule on Fridays is utilized as professional development time for teachers. The suggested professional development schedule includes: weekly data meetings; structure/expectations; common instructional needs as identified

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	<ul style="list-style-type: none"> • Educators describe sharing knowledge and expertise among colleagues as essential collaborative activity for job success. • Teachers are willing to talk about their own instructional practice, to actively pursue and accept feedback from colleagues, and to try new teaching strategies. • The school has created a performance-driven classroom culture in which teachers effectively use data to make decisions about daily instruction and the organization of students. 		<p>through observations; Trauma Sensitive Classroom book study; and aggressive monitoring techniques and applications.</p> <ul style="list-style-type: none"> • The MPP mentions that ANet will support the school in training instructional coaches and administration to: provide job-embedded instructional coaching to teachers and implementation of Data Driven Instruction (DDI); school-wide professional development to establish consistency; interim assessments to drive planning; and leadership development. • Although the UIP indicates there seems to be a growing culture around using data to inform instruction with PLCs in math and ELA, growth results from CMAS and district benchmark assessments show very little impactful growth across all student demographics. • The MPP lists in detail the large number of formative and summative assessments and the frequency of the assessments that will be implemented during the school year. During PLC meetings, teachers and coaches will interpret the evidence, identify gaps, provide feedback, plan for new learning, and scaffold learning to close achievement gaps. It also states that the content teams will build unit assessment from CMAS-released items and the School City question bank that are aligned to the State standards and the IB criteria. • The UIP does not specifically state how often the school staff meets as a whole group, department, or grade level team, but does indicate in the executive summary that teachers meet daily in PLCs. The MPP indicates teachers collaborate in PLC time for 45 minutes each day.
3.4: The school/district engages the community and families in support of students' learning school improvement efforts.	<ul style="list-style-type: none"> • The school includes parents/guardians in cultivating a culture of high expectations for students' learning and their consistent support of students' efforts. • The school/district invites family participation in school activities (e.g., volunteering in classrooms or on committees; attendance at performances, sports events, and organizational meetings) and regularly solicits their input. • The school/district offers workshops and other opportunities for parents/guardians to learn about home practices that support student learning. • Educators communicate with parents/guardians about instructional programs and students' progress. 	<ul style="list-style-type: none"> • Strategies for community and family involvement are incorporated throughout the plan. • Parent Involvement Plan is present (for Title I Schools only) and details strategies for involving families to advance student learning. 	<ul style="list-style-type: none"> • The MPP mentions that parent involvement is extremely low, despite many opportunities that have been provided by the school. Some of these opportunities include: hosting an annual open house tour; Colorado State University-Pueblo (CSU-P) science/math night; career night; awards assembly; talent show; athletic recognition banquet; poetry jam; and an AVID night. • The MPP states that during the process of becoming an innovation school, Risley hosted several parent meetings to provide information and discussion time before identifying the IB-MYP and AVID programs. At each step in the process of becoming an IB school, the plan states that the parents were updated, but the details of the communication are not provided. The MPP does mention that the end of the year IB showcase project was only moderately attended by parents. • The MPP mentions that parents can communicate using a school-wide student planner and that teachers will connect daily with each parent,

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			<p>keeping them informed on homework, student behavior, and upcoming classroom and/or school events.</p> <ul style="list-style-type: none"> • The school website includes a tab entitled School Newsletters, but the most recent post is from 2015. The website also includes a school calendar. Back-to-school night is posted as an event on the calendar, but no other events are indicated. • Parent Resources is indicated as a link on the school website, but it only links parents to the student information system, Infinite Campus. • The MPP states that to address the large Latino population, Risley is hoping to train a site team through the National Council of La Raza which focuses on providing strategies to educate Latino parents on various supports they can provide to their children. The training provides step-by-step facilitator training that can be organized into parent workshops. Further details of the training are not provided. • According to the TLCC survey, 43% of responses are favorable regarding Community Support and Involvement. The Colorado favorable rate is 83%. • According to the TLCC survey, 45% responded favorably to the statement, "All families have access to information about what is happening in the school."
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4. There is readiness and apparent capacity to engage productively with, and benefit from, the assistance provided by an external partner.		Capacity Level: [] Highly Effective [] Effective [X] Developing [] Not Effective [] Unable to Assess	
State Review Panel Criteria	Look-Fors	Evidence	
4.1: The school/district collaborates effectively with existing external partners.	<ul style="list-style-type: none"> The school/district seeks expertise from external partners, as appropriate (i.e., for professional development, direct support for students). The school/district ensures that roles and responsibilities of existing partners are clear. There are designated personnel to coordinate and manage partnerships. 	<ul style="list-style-type: none"> Articulation of roles/responsibilities with external entities (e.g., district level staff, BOCES staff, vendors, CDE) is evident. <i>(See Action Plan.)</i> 	<ul style="list-style-type: none"> The UIP and MPP state that during the 2015-16 school year, school and district leaders developed an Innovation Zone plan for six schools, including Risley. The UIP and MPP present the school and district's partnership with ANet as a school improvement partner. The UIP indicates that the school was engaged in the Turnaround Leadership Program in 2015, however, it is unclear if the school completed the program or what effect participation had on school improvement.
4.2: The school/district leverages existing partnerships to support student learning.	<ul style="list-style-type: none"> The school/district maximizes existing partners' efforts in support of improvement efforts. All externally provided professional development is aligned to improvement efforts. 	<ul style="list-style-type: none"> Activities of external entities align with major improvement strategies and performance needs of the school/district (not just a list of services the entity provides). <i>(See Action Plan.)</i> 	<ul style="list-style-type: none"> The UIP Executive Summary and the MPP mention that Risley houses an on-site Wellness Center that is used by parents and community members for immunizations, sports physicals, and check-ups. The schools also partners with the Pueblo Care and Share organization to provide fresh produce and non-perishables to families in need. The UIP Major Improvement strategies are related to the diagnostic findings from CDE school reviews and the observations from ANet. According to the MPP, Risley leverages the locality of CSU-P to train student teachers and existing teachers. The MPP indicates that dollars in addition to standard per pupil revenues were invested in Risley by the school district. The MPP indicates these revenues were used in a variety of ways, to include supporting additional professional development for teachers and adding additional interventionists.
4.3: Leadership is responsive to feedback.	<ul style="list-style-type: none"> Leadership seeks feedback on improvement plans. Leadership seeks feedback from key stakeholders Leadership integrates feedback into future improvement efforts. 	<ul style="list-style-type: none"> Feedback from CDE on UIP is integrated into subsequent UIPs (i.e., feedback is not repeated for multiple years). <i>(See CDE feedback, previous UIPs, updated UIPs, TELL data.)</i> 	<ul style="list-style-type: none"> Feedback from CDE in March 2017 is integrated in the MPP and includes: data-driven instruction; ensure the principal has strong leadership; continue to refine systems and supports to bring success; and establish robust community outreach cycles to engage the community. In 2015, Risley had a State Review Panel (SRP) recommendation that is mentioned in the UIP and the MPP. The SRP recommends Innovation Status for Risley and states that quality instruction needs to occur consistently in all classrooms.

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5. There is likelihood of positive returns on State investments of assistance and support to improve the performance within the current management structure and staffing.		Capacity Level: [] Highly Effective [] Effective [] Developing [X] Not Effective [] Unable to Assess	
State Review Panel Criteria		Look-Fors	Evidence
5.1: Leadership monitors the return on investment of specific improvement initiatives and uses that data to inform decision-making.	<ul style="list-style-type: none"> Leadership identifies turnaround strategies and implements programs/initiatives designed to improve student performance. Leadership assesses the cost and impact (effect on student achievement and number of students served) of each program/initiative to determine its academic return on investment. Leadership makes decisions regarding continuation or discontinuation of programs/initiatives based on this analysis. Leadership establishes systems and structures to support regular and ongoing monitoring. 	<ul style="list-style-type: none"> Additional resources provided through specialized grant funding are aligned, strategic and show evidence of positive results. (for districts/schools that have received additional funds.) <i>(See Action Plan.)</i> 	<ul style="list-style-type: none"> It states in the UIP and MPP that the principal will provide teachers with feedback about instruction on a consistent basis, but specific details of the monitoring are not provided. According to the MPP, Risley was accepted as part of CDE's Turnaround Network in late Fall 2015. The Turnaround Network process led into the school district creating innovation zones and an updated school innovation plan. According to the UIP and MPP, Risley received feedback from CDE as well as the State Board of Education that led to the partnership with ANet. ANet is currently consulting with the school and district and is using the UIP and MPP as the guide to improvement.
5.2: Leadership has demonstrated an ability to produce positive returns on State investment and uses resources effectively.	<ul style="list-style-type: none"> Programs and initiatives are designed to support turnaround efforts and have demonstrated results. Leadership seeks resources aligned to its improvement efforts and programs/initiatives with high academic return on investment. Any additional resources received (i.e., specialized grant funding) are aligned, strategic, and showing evidence of results. Leadership treats resources flexibly and implements focused improvement efforts with a focus on early wins. 	<ul style="list-style-type: none"> Evidence of the results of previous initiatives. <i>(See Data Narrative, Target Setting, data dashboard, TELL data.)</i> 	<ul style="list-style-type: none"> It is unclear whether new programs or resources have been instituted/shifted at the school to support student growth. Data reported through the SPF show that there has been little/if any growth on State tests or district end-of-year (EOY) assessments, because of the AVID and IB programs that were implemented in 2013. In addition, the two programs that support the school culture and climate, PBIS and Capturing Kids' Hearts, have also not shown results in decreased school suspensions and increased student attendance. The MPP mentions that the district department of Human Resources, Learning Services and Finance has identified a point person to ensure compliance and adherence with the innovation plan. According to the TLCC survey, the school has an overall favorability average of 51%, compared to a State average of 77%.
5.3: Students demonstrate academic progress over time.	<ul style="list-style-type: none"> Students demonstrate progress on internal measures linked with the school/district's promotion or exit standards. The performance of student subgroups on State assessments demonstrates that the school/district is making progress toward eliminating achievement gaps. Students meet proficiency and grade-level targets across subjects and grade levels on norm-referenced benchmark assessments and State assessments. Matched cohorts of students who score proficient or advanced (or equivalent) on State assessments 	<ul style="list-style-type: none"> Achievement and growth data trend up. <i>(See Data Narrative, Target Setting, data dashboard.)</i> Results of interim assessments show progress. <i>(See Data Narrative, Target Setting.)</i> 	<ul style="list-style-type: none"> The school's performance rating has not improved over a seven-year timeframe, resulting in being rated Turnaround in 2017, and on Year 7 of the Accountability Clock, according to the SPF Historical Ratings section in the UIP. Risley students score significantly below State expectations in achievement and growth, in both ELA and math. According to the CDE website, the preliminary SPF total score for 2018 is 31.4, an increase from 2017 in which the total score was 25. Although the score increased from 2017 to 2018, the preliminary plan type for Risley remains as Turnaround.

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	<p>maintain or improve performance levels across continuous enrollment years.</p> <ul style="list-style-type: none"> • The percentage of all students performing at proficient or advanced (or equivalent) on State assessments increases over time. • Students demonstrate academic growth as measured by value-added or State growth percentile measures. • Students demonstrate progress toward attaining expected knowledge and skills as measured by interim assessments. 		<ul style="list-style-type: none"> • The 2017 SPF summary shows that the school <i>does not meet</i> in academic achievement and academic growth, in every single subject area and student group category. • The 2017 SPF shows that students perform at a low level and are in the 4th percentile rank in ELA, the 2nd percentile rank in science, and the 1st percentile rank in math. • The CDE School Dashboard shows the 2018 CMAS ELA academic growth for students has slightly declined over a three-year timeframe from the 35th percentile in 2016 to the 32nd percentile in 2018 and is well-below the State expectation of 50%. • The CDE School Dashboard shows that 2018 CMAS math academic growth for students has slightly improved over a three-year timeframe from the 32nd percentile in 2016 to the 36th percentile in 2018 but is still well-below the State expectation of 50%. • The UIP Trend Analysis states that the 2017 ELA district benchmark assessment (School City) show that students in all grade levels increased the percentage of correct items from the beginning-of-year (BOY) to the end-of-year (EOY) assessment: 6th : 35.7% to 39.8%; 7th : 28.2% to 23.1%; and 8th : 32.3% to 40.2%. • The UIP Trend Analysis states that the 2017 math district benchmark assessment (School City) show that students in all grade levels increased the percentage of correct items from the BOY to the EOY assessment: 6th : 31.9% to 40.1%; 7th : 29% to 31.2%; and 8th : 29.9% to 35.1%. • The UIP Prior Year Targets show that the school did not meet its goals of increasing 10 percentage points on the CMAS State assessments, in academic achievement, in ELA, math and science. All grades in all content areas show decreases, with 7th grade ELA decreasing 19% from 2016 to 2017. • The UIP Prior Year Targets show that the school did not meet its growth goals at or above the 50th percentile, on the CMAS state assessments, in ELA and math. The results indicate that the growth results for ELA are at the 33rd percentile and math at the 39.5 percentile, both results are in the low to low average range. • According to the UIP, the 2017 end of the year (EOY) School City (an internal district assessment) ELA data increased in 6th, 7th and 8th grade, but the result was significantly below district expectations. • According to the UIP, the 2017 EOY School City Math data increased in 6th, 7th, and 8th grade, but the result was significantly below the district expectations.
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		<ul style="list-style-type: none">• The CDE School Dashboard states that the school's attendance rate has been consistent for three consecutive years, yet is still below the State expectation of 92.9%, from 85.8% in 2015; 85.4% in 2016; and 84.7% in 2017.• The CDE School Dashboard states that the school's mobility rate has increased over the years, from 19.3% in 2013-14; to 27.3% in 2016-17.• According to the UIP, the number of behavior incidents was trending lower than years previous at the point in the year when the UIP was written.
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6. There is necessity that the school/district remain in operation to serve students.		[X] Yes [] No [] Unable to Assess	
State Review Panel Criteria	Look-Fors	Evidence	
6.1: The school/district is mission-driven and its mission and vision meet a unique need.	<ul style="list-style-type: none"> All stakeholders share an understanding of, and commitment to, the mission and vision. School/district programs reflect the mission and vision. The mission and vision guide decisions about teaching and learning. The mission and vision meet the needs of an identified student population. 	<ul style="list-style-type: none"> Population of students served is clearly identified. <i>(See Data Narrative.)</i> Mission/vision are evident in plan or publicly available information. <i>(See website, Data Narrative.)</i> 	<ul style="list-style-type: none"> The population of students served is clearly identified in the UIP and the MPP. Additionally, school demographics from the Colorado Department of Education (CDE) SchoolView dashboard indicate that the school serves a minority population of 78%, 97.5% of students qualify for free and reduced-priced meals, 20.2% are students with disabilities, 16.9% are English language learner (ELL) students, and less than 2% of the students are identified as gifted and talented. Student enrollment numbers have decreased over the years, from 369 in 2013-14 to 326 in 2017-18. The school's vision, mission, and core values are listed in the UIP, MPP, and on the school's website: Vision Statement: "We are determined that our students receive an education equivalent to students from more prosperous circumstances. Our vision is to develop globally-minded, life-long learners who are reflective, compassionate, and responsible citizens." Mission Statement: "Our mission is to collaboratively respond to the individual academic and social needs of our students. We are committed to providing an engaging and rigorous curriculum that empowers students to achieve personal, educational, and career aspirations as members of an intercultural community." The MPP identifies a large population of Hispanic families who attend the school. According to the CDE website, 82% of students attending Risley are Hispanic. There is limited evidence of culturally and linguistically diverse approaches designed to serve the community. For example, parent communications published on the school website are not published in Spanish.
6.2: There are no other viable options for enrolled students that will likely lead to better outcomes.	<ul style="list-style-type: none"> There are limited other school/district options available (e.g., online, charter, district). The school serves an isolated and/or remote community. Closure would have a significant negative impact on the community. Comparison schools do not promote better student outcomes. 	<ul style="list-style-type: none"> Number of other available district, online, or charter options and their performance. <i>(See data dashboard, Websites.)</i> Performance of neighboring districts. <i>(See data dashboard, Websites.)</i> Performance of comparison schools. 	<ul style="list-style-type: none"> According to the CDE website and the 2018 SPF preliminary ratings, Risley scored the lowest point total of all Pueblo City District 60 middle schools. According to the CDE website and the 2018 SPF preliminary ratings, Risley will enter year 8 of being on the accountability clock. According to the publicly available resource greatschools.org, there are four middle school options within five miles of Risley – two district-operated schools and two charter schools, but it is not clear if the schools have the capacity to increase by an additional 329 students. The schools are Corwin International Magnet School, Pleasant View Middle School, The Connect Charter Academy, and Pueblo School for

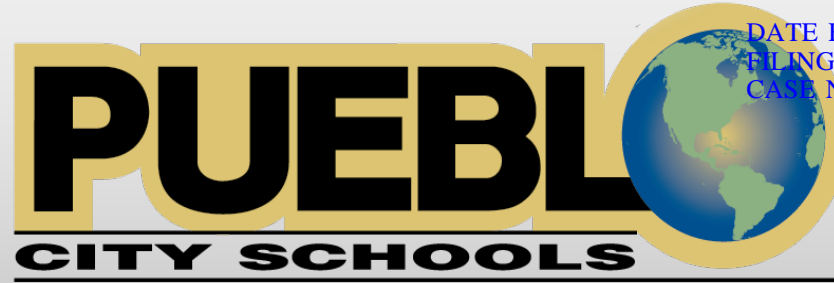
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		<i>(See data dashboard, Websites.)</i>	Arts and Sciences. The Connect Charter Academy and Pleasant View Middle School are authorized or operated by Pueblo County School District 70.
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DATE FILED: May 10, 2019 4:18 PM
FILING ID: 6733390E95634
CASE NUMBER: 2019CV30298

Pathways Update
State Board of Education- November 14, 2018

Pueblo City Schools 60

Charlotte Macaluso-
Superintendent

Suzanne Morey- Assistant
Superintendent of Teaching
and Learning

Ted Johnson- Executive
Director of Continuous
Improvement & Innovation



EXHIBIT 2

2017

FIMS
Belmont
Morton
CIMS
PSAS
Goodnight
Heritage
Sunset Park
Carlile
Irving
Heaton
South Park
Centennial
South
CHPA
Highland Park
Haaff
District
Franklin
Beulah Heights
Columbian
Baca
Bradford (1)
East (1)**
Heroes 6-8 (7)
Heroes Pre K-5 (3)
Central (3)
Parkview (1)
Bessemer (7)
Roncalli (1)
Minnequa (5)
PAA (1)
Risley (7)

VS.

2018

FIMS
PSAS FH
CIMS
Belmont
Paragon
Heritage
Haaff
Baca
Morton
Irving
Goodnight
Franklin
Heaton
PSAS
Sunset Park
Parkview
Centennial
Carlile
Beulah Heights
CHPA
Bradford
South
District
East
South Park
Columbian
PAA
Bessemer
Central (4)
Heroes 6-8 (8)
Minnequa (6)
Heroes Pre K-5 (4)
Highland Park (1)
Risley (8)
Roncalli (2)

Recent Keys to Success

- Stable district instructional leadership
- New district strategic plan
- Quality school leadership development
 - Relay Graduate School of Ed
- Instructional non-negotiables focused on standards
- Professional development in literacy and math best practice



School Performance Frameworks

School	2017 Performance Plan Type (Percent of Points Earned)	2018 Preliminary Performance Plan Type (Percent of Points Earned)
Bessemer Academy	Priority Improvement (34.9)	Improvement (43.3)
Risley International Academy of Innovation	Turnaround (25)	Turnaround (31.4)
Heroes Academy (6-8)	Priority Improvement (38.7)	Priority Improvement (38)

IMPROVEMENT - Achievement Data

CMAS Median Growth Percentile						
School	6th Grade Math		7th Grade Math		8th Grade Math	
	2017	2018	2017	2018	2017	2018
Heroes K-8	30	28	36.5	53	36.5	42
Risley International	28.5	39	25	32	31	38

IMPROVEMENT - 2018-19 Local Data

Risley International Math Data:

- First quarter HMH Math Inventory (MI) shows student growth rates of more than one year in 7th and 8th grade, 34% and 33% respectively
- First quarter Achievement Network Interim shows 7th and 8th grade students' performance in math slightly higher than last year

IMPROVEMENT - 2018-19 Local Data

Risley International ELA Data:

- First quarter HMH Reading Inventory shows 37% of 6th graders, 28% of 7th graders, and 27% of 8th graders made a year's growth or more since beginning of year



IMPROVEMENT - 2018-19 Local Data

Heroes Academy Math Data:

- SchoolCity benchmark data shows a **decrease** in students “not meeting” expectations:
 - ↓ 37% decrease in 6th grade
 - ↓ 40% decrease in 7th grade
 - ↓ 58% decrease in 8th grade
- The Achievement Network first quarter interim shows 8th grade students performing higher than last year

IMPROVEMENT- 2018-19 Local Data

Heroes Academy ELA Data:

- SchoolCity benchmark data shows **decrease** in students “not meeting” expectations:
 - ↓ 34% decrease in 6th grade
 - ↓ 50% decrease in 7th grade
- First quarter Achievement Network interim assessment shows students in 6th and 7th grades performing closer to the network average than last year

Reflection: ANet Management Partnership Year 1

- Instructional priority focused on improving Tier One instruction.
- Weekly leadership coaching to strengthen content understandings
- Teaching and Learning Cycle implementation
- New ELA and Math curriculum adoption better aligned to standards
- Coordinated school walkthroughs and progress monitoring meetings with Achievement Network and District leadership

Reflection- Leadership Development

- Relay Graduate School of Education
- Innovation Zone membership and collaboration
- CDE Turnaround Network (2017-18)
- 2018-19 - more targeted coaching to principals and assistant principals by Assistant Superintendent (Risley) and Executive Director of Continuous Improvement and Innovation (Heroes)



Risley and Heroes Ongoing Challenges

- **Talent Development and Staffing**
- **Innovation, Systems, and Programming**
- **Management Partnership**

EXHIBIT 2

Management Partnership Selection Timeline

October 2018	<ul style="list-style-type: none">• EASI Fair - introduction to potential new partners• Review State Panel Report and recommendations• Collect input on school needs from Heroes and Risley school staff and district stakeholders
Oct/Nov 2018	<ul style="list-style-type: none">• Initial phone conversations to narrow the list of management partners who might best fit our needs• Write Request for Management Partnership Plan Submissions• Review Partnership Plan Submissions and Select Finalists• Submit EASI Grant
Nov/Dec 2018	<ul style="list-style-type: none">• Finalist Interviews and Onsite School visits
January, 2019	<ul style="list-style-type: none">• Final Selection
Feb/ March 2019	<ul style="list-style-type: none">• Finalize Contract with Management Partner• Develop Management Plan and begin partnership

Management Partner Criteria

- Previous success with comprehensive, sustained turnaround in schools with similar demographics
- Weekly on-site leadership coaching by a Colorado-based leader with a proven track record in elementary and middle school turnaround
- Staff recruitment and retention resources and strategies
- Background in social and emotional learning structures and programmatic expertise in special education
- Strong understanding of instruction, including coaching, data-driven systems, and content specific best practices

Request to State Board of Education

- Continue with innovation status for Risley International and Heroes Academy
- Authorize a more comprehensive management partnership for each school



Pueblo City Schools' Commitments

- Conduct a diagnostic review of special education programming at Risley and Heroes and implement recommendations
- Rewrite Risley and Heroes innovation plans in partnership with new management partner
- Seek more impactful implementation of innovation waivers
- Redefine and continue our work with the Achievement Network
- Select and engage with a new Management Partner to address continuing challenges

EXHIBIT 2

Pueblo City Schools Mission

To provide a high quality education that assures each student the knowledge, skills, and dispositions to lead a life of purpose and impact.



<p style="text-align: center;">STATE OF COLORADO BOARD OF EDUCATION 201 E. Colfax Avenue #506 Denver, CO 80203</p>	<p>DATE FILED: May 10, 2019 4:18 PM FILING ID: 6733390E95634 CASE NUMBER: 2019CV30298</p>
<p>In Re: Accountability Recommendations</p> <p>Heroes Middle School and</p> <p>Risley International Academy of Innovation</p> <p>Pueblo City Schools</p>	<p style="text-align: center;">BOARD USE</p> <p>CASE NUMBERS: 17-AR-06</p>
<p style="text-align: center;">ORDER</p>	

This matter came back before the Colorado State Board of Education ("State Board") pursuant to the Board's June 16, 2017 Final Written Determinations regarding the above-referenced schools ("Determinations") and in accordance with the Education Accountability Act of 2009 (as amended), §§ 22-11-101 et. seq., C.R.S., (2018). Based on the record of materials submitted to the Board, the information adduced at hearing, the comments of stakeholders, and being duly advised in premises, the State Board ORDERS as follows:

Procedural History

1. Heroes Middle School ("Heroes") and Risley International Academy of Innovation ("Risley") first came before the board for proceedings on Monday, April 24, 2017, pursuant to 22-11-210(5)(b), C.R.S., (2016) and the Colorado State Board of Education's Procedures for State Board Accountability Actions.¹

2. Heroes came before the board with a significant history of failing to provide a quality education to its students, including school plan types as follows: 2010 – Turnaround, 2011 – Turnaround, 2012 – Turnaround, 2013 –

¹ Case 17-AR-06 originally involved a third school, Bessemer Elementary School. Since the initial proceedings herein, Bessemer achieved a rating of Improvement and therefore is not subject to further proceedings at this time.

Turnaround, 2014 – Turnaround, and 2016 – Priority Improvement.

3. Risley also came before the board with a significant history of failing to provide a quality education to its students, including school plan types as follows: 2010 – Turnaround, 2011 – Turnaround, 2012 – Turnaround, 2013 – Priority Improvement, 2014 – Turnaround, and 2016 – Turnaround.

4. At that time, the State Board reviewed and fully considered the accountability recommendations of the Commissioner, the State Review Panel (“SRP”), and the reports submitted by Pueblo City Schools (“District”), and heard and considered the presentation of the District.

5. On June 16, 2017, the State Board issued its Determinations, finding that Heroes should seek innovation status, Risley should retain innovation status, and that both must engage The Achievement Network (“ANet”) as an external management partner. The Order directed that ANet be given “formal, decision-making authority” in a number of specific areas:

instructional strategies and schedule; assessment choice and schedule; performance management metrics and routines; data-driven practices; school leadership coaching; and staff professional development content, schedules and training.

Heroes Determination p. 4; *Risley Determination* p. 4. The State Board also ordered that the contract require the strengthening of school leadership and community engagement.

6. The Determinations provided that if either school earned a rating of Priority Improvement or Turnaround in 2018 or thereafter and failed to make adequate progress, “the Commissioner shall assign the state review panel to critically evaluate the School’s performance, revisit its recommendations, and report back to the State Board consistent with C.R.S. § 22-11-210(5)(a).”

7. The Determinations were not appealed.

Factual Findings

8. On July 1, 2017, Risley and Heroes both entered their 6th year with a Priority Improvement Plan or lower. Since then, their performance history has

been as follows:

Heroes Middle School

- a. 2017 – Priority Improvement
- b. 2018 (Preliminary) – Priority Improvement

Risley International Academy of Innovation

- a. 2017 – Turnaround
- b. 2018 (Preliminary) – Turnaround

9. Both Heroes and Risley serve vulnerable student populations, as demonstrated by the following chart:

2016	Heroes	Risley	State Average (MS)
% Minority	71	82	46
% IEP	22	20	11
% FRL	88	98	43

Average daily attendance for both schools is consistently below the state average.

10. Because both Heroes and Risley have continued to earn ratings of Priority Improvement or Turnaround, the SRP was assigned to critically evaluate the schools' performance and make recommendations, as ordered by the Board in 2017. On October 11, 2018, the SRP issued reports regarding Heroes and Risley as follows:

A. The SRP recommended that innovation status be continued at Heroes and Risley because participation in the Innovation Zone has provided professional development for teachers, leadership support, and additional time in the school day for recovery/enrichment classes. The SRP found that Risley's innovation plan has not been fully leveraged to affect significant improvements in student achievement or growth. For example, the innovation plan has the potential to provide the school

waivers that offer flexibility with recruiting and retaining high-quality teachers, support with collective bargaining, and selecting curricula to support the school's unique needs. Accordingly, the SRP recommended that moving forward the school utilize all opportunities available through the innovation plan to maximize its impact.

B. In its report regarding Heroes, the SRP found that “[w]hile the partnership with ANet has been effective in some areas, it has not fulfilled the directive of the State Board.” Specifically, instructional support through ANet is only provided to teachers in two content areas (language arts and math), a coach is provided only for a half-day once a week, and leadership development in the areas of turnaround, performance management, and community outreach is not being addressed. Accordingly, the SRP found that the support of another management entity is needed to support leadership development and additional improvement in instruction. The SRP stated the management entity “should have full decision-making authority over scheduling, hiring, performance management, coaching, and supervision of teachers and instructional coaches and responsibility for community outreach and communications.”

C. With regard to Risley, the SRP found that ANet does not have full decision-making authority in areas such as school schedules, leadership coaching, and other school operations. The SRP noted that “ANet acknowledged they are not a management partner; their role is specific to providing instructional leadership supports.” Accordingly, the SRP recommended that the school be run by “a management entity that has full decision-making authority over all school operations, including (but not limited to): recruiting and retaining high quality staff and leaders; curriculum and instruction; staff supervision; and finances.”

D. The SRP did not recommend converting Heroes to a charter school. The SRP strongly considered converting Risley to a charter school, but did not recommend this option because it is not clear that it would result in increased achievement and growth, and because they were recommending full external management. The SRP did not recommend closure of either school because it did not appear to them that there were

better options for middle school students within a reasonable distance.

11. The SRP carefully considered the factors set forth in § 22-11-210(4), C.R.S.

12. Heroes and Risley received substantial extra support in recent years while attempting to improve performance. For example:

A. Heroes was awarded a federally-funded Tiered Intervention Grant (TIG) in 2010 for two academic years for a total amount of \$1,190,000. Risley was awarded a TIG for four academic years in a total amount of \$2,115,866.

B. Both schools were part of the CDE Turnaround Network from SY16 through SY18. The Turnaround Network is a three-year engagement designed to support schools in Priority Improvement and Turnaround. Schools collaborate with CDE staff to develop a robust improvement plan, engage in intensive professional development, and receive on-going coaching and support. Heroes received \$112,000 and Risley received \$95,000.

C. CDE staff visited the schools regularly as a part of the Turnaround Network program.

D. The District was awarded a \$30,000 Pathways Grant for the 2016-17 and 2017-18 school years to support planning and implementation of the accountability pathways at Heroes.

Despite this support, the schools have been unable to make meaningful improvements for their student populations without further state intervention.

13. While ANet supported the schools in a majority of the areas specified in the Determinations, the SRP found that ANet was not granted formal decision-making authority over performance management, school leadership coaching, and community engagement. Further, as stated in the 2018 SRP progress monitoring recommendation form for Risley, "ANet acknowledged they are not a management partner; their role is specific to providing instructional

leadership supports.”

2018 Proceedings

14. Heroes and Risley came back before the board for proceedings on Wednesday, November 14, 2018.

15. As part of its revised process for accountability actions, the State Board accepted and considered public comment. The Board received written comment which included approximately 28 emails from students (and former students), parents, teachers, other district employees, non-profit and community organizations supporting children and families in the communities. One email included names of 141 people supporting it, which focused on a Community School model. The following table shows the breakdown of commenters:

	Risley	Heroes	Both	Pueblo Education Coalition (Community School Letter)
Community Partners	1	3		
Staff	6	4		26
Parents	6			15
Pueblo Education Association			1	
Community Member			1	31
Students (current and previous)	10			66
District Leaders			5	
Unified Improvement Plan Feedback	9			

Although the comments were diverse, several consistent themes emerged.

A. Many of the respondents expressed support for their schools, community and students. A strong sense of community pride in the schools emerged from the comments. It was clear from the comments that there are also many community organizations supporting the holistic needs of students and broader community, beyond the academic needs, especially for Heroes. Many people commented about the music and athletic offerings at Risley.

B. A group of education leaders in the district submitted similar letters supporting the continued work of the Innovation Zone and the involvement of Heroes and Risley in the Zone.

C. Many expressed the desire to keep the schools open and not convert them to charter schools.

D. There was agreement around the need for improvements in both schools, but different opinions about how. There was some support for the work of the Achievement Network, but others voiced concerned, including students who shared their opinions of the regular assessments involved. The email signed by 141 individuals supported the idea of the Community Schools model.

16. The District's submitted materials proposed, among other things, the selection and engagement of a new external manager to address continuing challenges at Heroes and Risley. The District's presentation asked the State Board to "[a]uthorize a more comprehensive management partnership for each school."

17. At the hearing, the District proposed that its board would delegate decision-making authority in the areas identified by the SRP to the management entity. The District also indicated that its local board would be willing to adopt the personnel and staffing recommendations of the external manager. The District, school leadership, and CDE concur that ANet supports are valuable in supporting data-driven instruction, especially in math and language arts, but

that the supports are not enough to satisfy the holistic improvement needs at the schools.

18. After deliberation, the State Board unanimously voted to direct the Office of the Attorney General and Department of Education ("Department") staff to prepare orders for the Board's consideration directing the District to enter into contracts with entities to wholly manage Heroes and Risley for a period of not less than four years.

Legal Conclusions

19. The Board is authorized to take additional action pursuant to the terms of its Written Determinations in 2017. In addition, § 22-11-210(5.5), C.R.S. permits the Board to direct an additional or different action if a public school continues to perform at a priority improvement or turnaround level after the State Board has originally directed an action.

20. Section 22-11-210(5)(a), C.R.S. authorizes the State Board to direct one or more of the following actions concerning Heroes or Risley:

- A. That the school be partially or wholly managed by a private or public entity other than the school district;
- B. That the school be converted to a charter school;
- C. That the school be granted status as an innovation school pursuant to section 22-32.5-104; or
- D. That the school be closed.

21. Pursuant to § 22-11-210(5.5), C.R.S., the State Board has considered the statutory criteria in § 22-11-210(4), the recommendations of the SRP, the District's proposed pathway, the actions that the District was previously directed to take, the fidelity with which the District has implemented the directed actions, and whether the amount of time that the District has had to implement the actions is reasonably sufficient to achieve results.

ORDER

WHEREFORE, the State Board orders that the District take action under § 22-11-210(5)(a), C.R.S. with regard to Heroes and Risley as follows:

A. Within 90 days of this Order, the local school board shall use an appropriate selection process to identify, for each school, a public or private entity, other than the District, to wholly manage the schools. The local board shall submit appropriate information regarding its proposed manager to the State Board for approval.

B. At each step in its selection process, the local board shall confer with the Department to ensure that:

- the scope of work for which proposals are solicited aligns to this order;
- the selected manager uses research-based strategies and has a proven track record of success working with schools under similar circumstances; and
- the selected manager is qualified and willing to fulfill the duties identified in the scope of work and in this Order.

The State Board shall vote to approve the District's selected manager(s) based on these factors.

C. Within 30 days of State Board approval of the selected manager(s), the local board shall execute a contract authorizing the selected and approved manager to administer the affairs and programs of the school beginning no later than July 1, 2019, and continuing for a term of not less than four years. At the end of this term, the district board shall have authority to determine whether to renew the management contract.

D. During the term of the contract, the manager shall manage the school(s) in a full-time capacity, and shall report directly to the local board. Through the contract, the local board shall delegate to the manager all authority needed to fully manage each school, subject to the limits of statute and the Colorado Constitution, and applicable case law. This authority shall include, but

not be limited to, the following areas:

- 1. Building-level personnel/staffing.** The manager shall have authority over recruitment, selection of staff and assignments of all personnel required to maintain the operations and carry out the educational program of the school.
- 2. Professional development and training.** This authority should include selecting and scheduling teacher professional development and mentoring administrators, including by providing coaching around instructional observation and feedback.
- 3. Implementing an instructional program.** This authority should include adopting/revising curriculum and assessment systems;
- 4. Identifying needs for consulting and professional services.** This authority includes determining whether to retain ANet as a partner;
- 5. Revising innovation plans.** The manager shall be responsible for implementation of the schools' innovation plans, including fully leveraging the plans as currently approved and recommending any further waivers needed to optimize student outcomes;
- 6. School climate and culture.** The manager shall be authorized to create, change, and guide systems including student referral and discipline, multi-tiered systems of support, PBIS, restorative practice, and training regarding the same;
- 7. Budgetary discretion.** The manager shall have authority to manage the school's budget adopted by the local board, including state and federal grant dollars that are

allocated to the school by the local board; and

8. Other authority. Such further authority as the manager reasonably needs to create systemic improvement in teaching and learning.

E. Within the 30-day period following State Board approval of the selected management entity (or entities), the local board shall provide a copy of the contract to the Commissioner or her designee, who shall advise the State Board in the event that the contract fails to satisfy the terms of this Order.

F. The State Board understands that the contract may require a provision allowing the local board to terminate the relationship for good cause shown. In the event the local board believes it should terminate its contract with the manager, it must advise the State Board and seek appropriate amendments to this Order, consistent with the State Board's authority under the Accountability Act.

G. For those actions requiring formal action by the local board, the board shall give appropriate consideration to the recommendations of the manager and not unreasonably withhold its approval. If the local board rejects the manager's recommendation, it shall issue a reasoned, written explanation for its action in the form of a board resolution and shall provide CDE with a copy of said resolution within 14 calendar days of board action. If, after reviewing the local board's resolution and supporting materials, CDE believes the local board unreasonably withheld its approval, CDE shall provide notice in writing to the local board of its reasons for that determination and provide the local board 14 calendar days to reconsider. Unreasonable rejection of the manager's recommendations, or a pattern or practice of rejecting the manager's reasonable recommendations, may constitute evidence of noncompliance with this Order.


H. In the event that the local board fails to faithfully and timely comply with this Order, the State Board will promptly reconvene and may take further actions as permitted by law, including conversion of Heroes and/or Risley to a charter school or closing one or both schools.

I. Heroes and Risley shall remain subject to ongoing performance monitoring under § 22-11-210(5.5), C.R.S. The manager should provide regular updates to the State Board regarding the schools' progress. Department staff shall continue monitoring implementation of this Order, including by making unannounced site visits. Department staff will also provide a report on the schools' progress to the local board on a bi-annual basis.

J. In the event that one or both schools improves performance to an plan type of Improvement or higher for two or more consecutive years, or based on the recommendation of the State Review Panel as part of statutory monitoring, or for other good cause shown, the District may apply to the State Board for a modification of this Order, including transitioning certain operational authority back to the local board or otherwise accommodating modification of the management partner contract.

K. This is a final agency action.

Dated this 27th day of November, 2018.



Dr. Angelika Schroeder, Chair
Colorado State Board of Education

CERTIFICATION OF MAILING

I hereby certify that I have provided a true and correct copy of the foregoing **ORDER** this 27th day of November, 2018 via e-mail addressed to the following parties:

Charlotte Macaluso
Superintendent, Pueblo City Schools
charlotte.macaluso@pueblacityschools.us

Barbara Clementi
Board President, Pueblo City Schools
barbara.clementiboe@pueblacityschools.us

Richard E. Bump
Caplan & Earnest LLC
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Counsel for State Board of Education
Julie.Tolleson@coag.gov



Elizabeth Cordial
Director of State Board Relations

Request For Proposal
External Management Entity
(to begin Spring, 2019)

DATE FILED: May 10, 2019 4:18 PM
FILING ID: 6733390E95634
CASE NUMBER: 2019CV30298

Pueblo School District No. 60
Pueblo, Colorado
Heroes Academy and Risley International Academy of Innovation

Overview:

Pueblo School District No. 60, aka Pueblo City Schools (District or PCS) is an urban school district approximately 100 miles south of Denver. The District serves approximately 15,000 students in grades K-12. The District is seeking a comprehensive External Management Entity or Entities (Manager) for Heroes K-8 Academy and Risley International Academy of Innovation (grades 6-8) as part of a directed action by the Colorado State Board of Education issued on November 27, 2018 (see attachment, State Board Order). In accordance with the State Board Order, the contractual relationship with the selected Manager will remain in place for up to four years, subject to annual budgeting and appropriation. The Manager will be held accountable to ensure that both schools move off of the State accountability clock and to develop the school's capacity to maintain school performance success after the conclusion of the contract.

The District welcomes proposals from organizations and/ or individuals, as well as joint ventures and/ or partners to meet the scope of work needed at both of these schools. The Manager must have the capacity to provide full-time management of the schools and will have all authority to fully manage each school, subject to the limits of statute, the Colorado Constitution, and applicable case law. The Manager will report directly to the District's Board of Education. Some recommendations by the Manager may require formal approval by the Board of Education, in accordance with applicable law. In all cases, the Board shall give appropriate consideration to the recommendations of the Manager and not unreasonably withhold its approval.

The authority of the Manager shall include, but not necessarily be limited to, the following areas:

1. **Building-level personnel/staffing-** As provided in the State Board Order, the Manager shall have authority over recruitment, selection of staff and assignments of all personnel required to maintain the operations and carry out the educational programs of the schools. Specifically, the Manager will make recommendations to the District Board regarding hiring and non-renewal of current and future site personnel, including non-renewal of probationary teachers, change of placement for non-probationary teachers/administrators, and determining whether current administrators and/or staff should remain in their positions going into the 2019-20 school year and beyond. The Manager shall have authority over the master schedule and agreements affecting the schools, including compensation and benefits. The Manager will have authority to

establish both the instructional and work calendars for students and staff. (See attachments)

2. **Administrator professional development and training-** The authority of the Manager shall include mentoring administrators, including providing coaching around instructional observation and feedback. Manager responsibilities should include weekly 1:1 coaching for the principal, assistant principals and leadership team by a seasoned, proven turnaround instructional leader with a successful track record in turning around failing elementary and/or middle schools and experience with coaching/supervising principals. (Note: The District and current school leaders have been trained by and use Relay Graduate School of Education materials and approaches around observation/feedback and building a data-driven culture.)
3. **Teacher professional development and training-** The Manager's authority and responsibilities will include identifying, selecting, scheduling, and facilitating teacher professional development, including a variety of groupings with whole staff, professional learning teams (PLCs), and individual 1:1 coaching.
4. **Implementing an instructional program-** The Manager's authority and responsibilities shall include continuing/adopting/revising curriculum and assessment systems. A new literacy and math curriculum aligned to the common core standards was put in place in the 2018-19 school year at both schools. (Note: The Achievement Network (ANet) interim assessments are currently in place at both schools. Risley and Heroes currently utilize the "Wit and Wisdom" curriculum for English Language Arts. Both schools use "Illustrative Math" at the middle level and Heroes uses the "Engage NY" math curriculum in its elementary program. Risley is currently an International Baccalaureate School).
5. **Identifying needs for consulting and professional services-** The Manager's authority and responsibilities shall include determining whether to retain ANet as a partner; continue to use Relay-driven practices; and implement any additional professional services needed within budget determinations. Both schools also currently have partnerships with AVID, Capturing Kids Hearts (Risley only), and IB (Risley only).
6. **Revising innovation plans-** The Manager shall be responsible for implementation of the schools' current innovation plans, including fully leveraging the plans as currently approved and recommending any further waivers needed to optimize student outcomes within innovation plan revision submissions.
7. **School climate and culture-** The Manager shall be authorized to create, change, and guide systems including student referral and discipline, multi-tiered systems of support, PBIS, restorative practices, and training regarding the same.

EXHIBIT 4

8. **Budgetary discretion-** The Manager shall have authority to manage the school's budget adopted by the Board, including state and federal grant dollars that are allocated to the school by the Board.
9. **Other authority-** The Manager shall have such further authority as the Manager demonstrates to the Board as reasonably necessary to create systemic improvement in teaching and learning.

Given the scope of the work listed above, it is imperative that the Manager demonstrate the expertise and experience within the following key areas:

- Instructional leadership coaching to school administration in all aspects of research-based school turnaround practices, instructional leadership, and operations
- Recruitment, evaluation, and retention of staff and access to resources in support of personnel accessibility and stability
- Developing and leading professional development activities based on building needs including but not limited to standards-aligned instructional practices, explicit planning for instruction, and differentiated approaches
- Curriculum and assessment expertise
- Development and or revision of school improvement plans
- Establishing and sustaining a positive school adult and student culture
- Developing social and emotional support systems for students and their families
- Special education programming and differentiation
- Experience writing and advancing reform models
- Oversight of building level budgets including general funds, grants, and state/federal funding
- Strategic decision-making ability around coordinated use of time, people, and money to maximize gains in student achievement and development of a positive school culture
- Facilitating positive and productive engagement with the school community

Selection of Provider:

Submitted proposals may be subject to a review by district leadership to ensure that they meet the scope and requirements of the Request for Proposal so that the Stakeholder Review Team may focus on a viable proposal. A district stakeholder group will narrow the field of prospective Managers to no more than three finalists based on the submitted proposals.

Selected Manager finalists will participate in a two-day, on-site district interview process. If possible, it is desired that the on-site manager who will work weekly with the school and district leadership be present and fully participate in this two-day, on-site interview. The Manager should be prepared for a formal presentation to a group of stakeholders (staff, parents, and community members). The two-day, on-site interview dates are currently scheduled for March 11th and 12th, 2019. It is requested that all Offerors reserve those dates. Final selection of a

Manager is subject to both local and State Board approval, including a brief presentation to the Colorado State Board of Education on April 10th or 11th, 2019.

Written Inquiries and District Response:

A prospective Offeror may submit questions or request clarification of any aspect of this Request for Proposal. The District will only respond to questions submitted in writing by 5:00 p.m., Thursday, February 21, 2019. Inquiries shall be directed to Tina Branom (tina.branom@pueblocitieschools.us). Responses to inquiries will be issued in the form of an addendum to all applicants no later than Tuesday, February 26, 2019.

Best and Final Offers:

Prior to making award decisions, the District may find it necessary to clarify or modify certain aspects (scope, evaluation criteria, budget, etc.) of the original request and/or submitted proposals. In such instances, the District may request a Best and Final Offer. During a Best and Final Offer process, those invited to participate may modify their proposals. Those invited to participate in the Best and Final Offer process need not respond in order to be considered for award. In such cases, their immediate past proposal(s) will be considered their Best and Final Offer. Best and Final Offers will then be evaluated based on established criteria for the Best and Final Offer and ranked from highest to lowest score. The highest scoring Best and Final Offer(s) is/are generally considered for award. However, the District reserves the right to select the individual/firm/ entities/ partners, that best meet the needs of the District, taking into consideration qualification, cost, and overall capability. The Board of Education or designee reserves the right to waive any technical or formal errors or omissions and reject any and all bids/proposals, whichever is determined to be most advantageous to and in the best interest of the District.

Evaluation of Proposals:

All proposals meeting basic pass/fail criteria will be evaluated according to pre-established criteria aligned to this proposal request. Proposals will be judged to be either "acceptable," "potentially acceptable," or "unacceptable." "Unacceptable" proposals will receive no additional consideration. Offerors of "potentially acceptable" proposals will be required to provide additional information. Based upon the information received, the proposals will be judged as either "acceptable" or "unacceptable." Only Offerors submitting "acceptable" proposals will be considered for possible award. All proposals must meet the following content, budget, schedule, and facilitation criteria in order to be considered "acceptable" or "potentially acceptable"

Schedule of Important Dates:

Thursday, February 21, 2019, 5:00 p.m. (MST)

Written Inquiries/Questions Due

EXHIBIT 4

Monday, February 25, 2019	District response/addendum issued
Friday, March 1, 2019, 5:00 p.m. (MST)	Proposals Due
Friday, March 8, 2019	Manager Finalists notified
Monday, March 11 and Tuesday, March 12, 2019	On-site Finalists 2-day Visit
Tuesday March 12, 2019	Manager Selection Recommendation to PCS Board of Education
April 10-11 , 2019	State Board of Education Manager selection approval (Note: Please hold date for Manager presentation)

Proposal requirements:

Due Date and Submission Requirements and Deadlines

All completed proposals are due no later than 5:00pm, Friday, March 1, 2019 and must be submitted electronically to tina.branom@pueblacityschools.us

Proposal content should address:

Proposals should include a description of whether and how the Offeror meets or proposes to meet each of the criteria in this request for proposal, including:

- The philosophy of your organization, distinguishing characteristics, and your approach to completing the project.
- Decision-making process which outlines how the District and Manager will work together within the areas of authority delegated to the Manager as outlined in the State order.
- How the Manager has a demonstrated track record in implementing a comprehensive turnaround partnership or management contract under similar circumstances and evidence of sustainability of student achievement success after the relationship ended.
- Proposed schedule of support: How the Manager will deliver on-site coaching and support for school leadership on a weekly basis. Proposal should include the specific name(s) of person who will provide the leadership coaching, including their vitae and specific experience in comprehensive turnaround and leadership development. If a specific coach is not yet determined, proposal must include the process that will be used to identify a qualified leadership coach.
- How the Manager will sustain the focus on instructional leadership and instructional best practices.
- What evaluation, recruitment, and retention strategies and resources the Manager will use that will result in a stabilized, high-quality staff at each of the schools.
- The support systems/ structures/resources to be used to proactively address social and emotional needs of students.
- The support systems/structure/resources to be used to provide programmatic supports and resources for students with disabilities, including center-based high needs classrooms for students with autism and students with emotional disabilities.

EXHIBIT 4

- Written recommendations including contact information from district leadership in districts and/or schools and/ or references where the Manager has worked successfully. Please also provide a copy of the management contract(s) that you entered into with the school, school district, or governing body.

Budget:

Each proposal should include an estimated yearly budget (year one: April, 2019 - June, 2020) that minimally identifies costs for each of the following:

- Cost for initial review and analysis of current state and planning with district and school leaders prior to 2019-20 year one implementation
- Cost of on-site recruitment, interviews, and hiring of staff during spring/ summer 2019 for the 2019-2020 school year.
- Cost for on-site leadership coaching (1 day per week minimum at each school, 2 days per week total minimum), starting as soon as April, 2019
- Cost for on-site retention decisions, selection of and interviewing of staff for 2019-20 school year
- Travel, lodging, meals, mileage costs, etc.
- Any and all costs for off-site coaching/planning, virtual and/or conference call coaching/planning
- Any and all costs for supplementary teacher coaching and professional development facilitation, required professional development conference attendance, professional development materials, etc.
- Any and all costs for additional resource personnel or programming requirements
- Cost for materials: all professional texts, handouts, printing, presentation materials, programs, etc.
- Other anticipated costs

General Provisions:

Confidentiality/Proprietary Information: The District neither requests nor encourages the submission of confidential/proprietary information in response to this invitation for proposals. All proposals will be confidential until a contract is awarded and fully executed. At that time, all proposals and documents pertaining to the proposals will be open for public inspection in accordance with Colorado law, except for the material that is proprietary or confidential. Neither a proposal in its entirety, nor proposal price information will be considered confidential/proprietary. Questions regarding the application of this procedure must be directed to tina.branom@pueblacityschools.us

Rights of the District: The District reserves the right to accept or reject any or all proposals and to waive any irregularities and technicalities and may, in its sole discretion, request a clarification or other information to evaluate any or all proposals. The District reserves the right, before finally selecting the apparent, successful Offeror, to require Offeror(s) to submit evidence of qualifications or any other information the District may deem necessary. The District reserves

EXHIBIT 4

the right, prior to Board approval, to cancel the invitation for proposal or portions thereof, without penalty. The District further reserves the right to negotiate any proposal, including price, with the highest-rated Offeror. If an agreement cannot be reached with the highest-rated Offeror, the District reserves the right to negotiate and recommend award to the next highest-rated Offeror or subsequent Offerors until an agreement is reached. By submitting a proposal, the Offeror represents that, if selected, it will negotiate a management agreement in good faith within the parameters contained in this Invitation and the State Board Order and acknowledges that the final selection of the Manager is subject to the approval of the local and State Board of Education, as provided in the State Board Order.

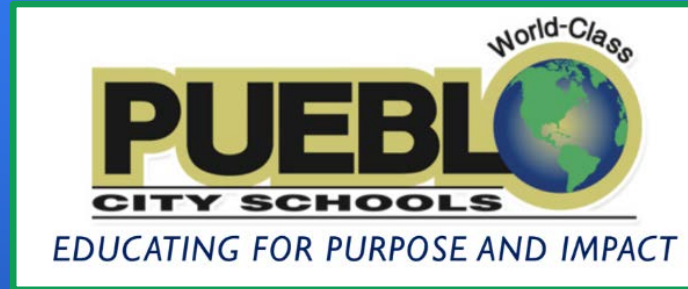
Conflicts of Interest: All Offerors must disclose the name of any officer, director, or agent who is also an employee of the District. All Offerors must disclose the name of any District employee who owns, directly or indirectly, any interest in the Offeror's business or any of its branches.

Equal Opportunity: In connection with the performance of any services under the proposal, the Offeror shall agree not to refuse to hire, discharge, promote or demote, or to discriminate in matters of compensation against any person otherwise qualified, solely because of race, creed, color, national origin, ancestry, age, sex, sexual orientation, gender identity/expression, religion or disability.

Contract Documents: Contract documents shall include the Request for Proposal, any addendum or written clarifications, the proposal of the successful Offeror, the District's Data Protection Addendum, and any other information or documents necessary for a complete understanding of the agreement between the parties. Final selection of an Manager must be approved by both the District Board of Education and the Colorado State Board of Education. All contracts are subject to review by the Colorado Commissioner of Education.

Attachments:

1. Innovation Zone [Plan](#) - Risley International (See Appendix E for Risley Specific Info)
2. State Review Panel Report - Risley International
3. Innovation Plan - Heroes Academy
4. State Review Panel Report - Heroes Academy K-5
5. State Review Panel Report - Heroes Academy 6-8
6. IZone Innovation Waivers (State)
7. IZone Innovation Waivers (District)
8. IZone Innovation Waivers (Negotiated Agreement)
9. Original Official Written Directed Order- State Board of Education
10. Published Manager Selection Process & Timeline
11. 2019-2020 District Instructional Calendar



DATE FILED: May 10, 2019 4:18 PM
FILING ID: 6733390E95634
CASE NUMBER: 2019CV30298

Accountability Pathways Update Risley International and Heroes Academy

State Board of Education
April 10, 2019

Timeline & Process

February 13, 2019- State Board of Education Deadline Extension for identifying an External Manager for Risley International and Heroes Academy

February 14, 2019- Request for Proposal issued to broader array of partners

March 1, 2019- Six Proposals received

.

Stakeholder Review Team identify finalists

March 6, 2019- Stakeholder Team Review of RFP's named two finalists

- MGT Consulting and UVA
- H&S Leadership and Blueprint

EMO Stakeholder Review Team Focus Areas

- ▶ Prior Experience, Capacity, and Planning
- ▶ Expertise with Recruitment and Retention of Staff
- ▶ Instructional Leadership and Professional Development Capacity
- ▶ School Climate and Culture Resources and Experience
- ▶ School Improvement Planning
- ▶ Knowledge of Curriculum and Instructional Programs
- ▶ Experience with Social and Emotional Supports for Students and Families
- ▶ Knowledge, Resources, and Expertise with Special Education
- ▶ Proposed budget and experience with budget oversight

On Site Interview Process

March 11, 2019:

- Stakeholder team Interview
- On-site School Visits
- Community Forum



March 12, 2019:

- Superintendent and Cabinet Interview



Superintendent recommends MGT Consulting and UVA to manage Risley and Heroes

March 12, 2019- Pueblo City Schools Board of Education unanimously approves MGT Consulting and UVA as the Management Partner for Risley International and Heroes Academy



PARTNERSHIP *for*
LEADERS *in* **EDUCATION**
Darden School of Business
Curry School of Education

Pueblo City Schools Board Meeting Update

April 9, 2019- Pueblo City Schools Special Board Meeting regarding school closures for Summer, 2019

EXHIBIT 5

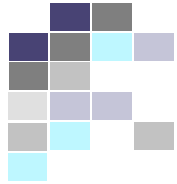
MGT MANAGEMENT PLAN FOR



MGT Consulting Purpose

*...To power the work of the public
professional to advance the lives of
the citizens they serve*





45 years of experience
Turnaround leaders
Capacity building focus
25 years in Colorado



16 years of experience
Leadership excellence
Capacity building focus
8 years in Colorado

50,000,000 Students Impacted Worldwide



The **MGT/UVA PLE Team** meets all of the State's requirements through our vast project experience.

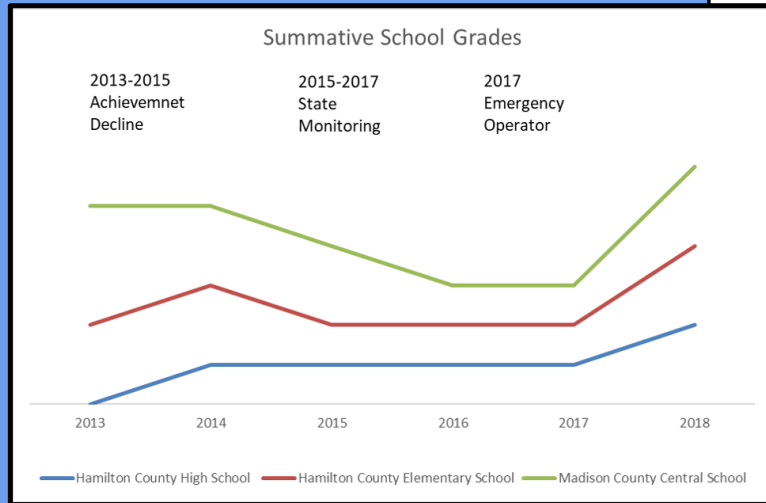
- Emergency Manager of Gary Community School Corporation (IN)
- School Improvement Services for Madison County School District (FL)
- School Improvement Services for Hamilton County School District (FL)
- External Operator for Nocatee Elementary School in DeSoto County School District (FL)
- School Quality Reviews for 38 Schools for Midland Independent School District (TX)
- School Performance Reviews for 25 School Divisions for the Office of Management and Budget (VA)
- UVA has worked with 8 school districts and 58

STATE ORDER REQUIREMENTS

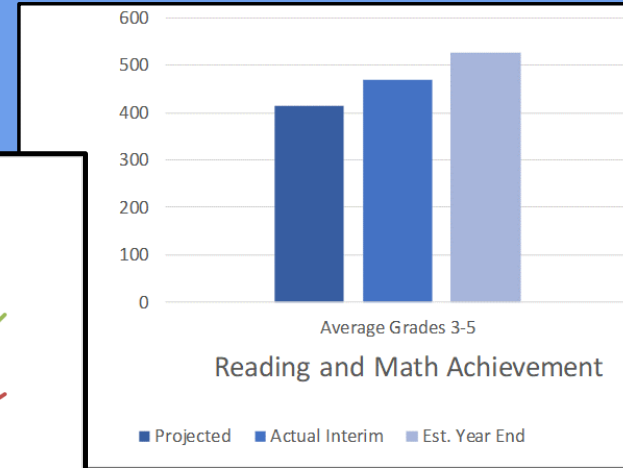
Experience in the administration and oversight of the following:

1. *Building-level personnel/staffing*
2. *Administrator professional development and training*
3. *Teacher professional development and training*
4. *Implementing an instructional program*
5. *Identifying needs for consulting and professional services*
6. *Revising innovation plans*
7. *School climate and culture*
8. *Budgetary discretion*

RESULTS



Madison and Hamilton School Districts



Nocatee Elementary School

Commitment to fully manage Risley and Heroes

Full decision-making authority to include:

- Hiring and evaluation of staff
- Academic programming
- Curriculum and assessments
- Professional development
- Use of Budget (including federal and state grant funding)
- Unified improvement planning and redrafting of innovation plan
- Engagement and partnerships with local agencies and resources
- Quarterly written and/or in person updates to the local Board of Education
- Yearly updates to the State Board of Education

MGT Colorado Contracts for 2019-20



** North Middle Lead Partner
International*

** Heroes K-8 Academy*



** Risley*

Regional Experts identified for Pueblo City Schools

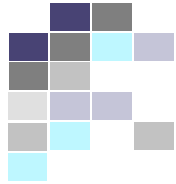
- ❑ **Dr. Babette Moreno-** MGT Transformation Director
- ❑ **TBD-** On-site Transformation Director
- ❑ **Dr. Harry Bull-**MGT Colorado Executive
- ❑ **Ms. Leighann Lenti-**UVA PLE Leadership Director
- ❑ **2 Partners Mathematics Consultants**
- ❑ **Dr. Sandra Lamm, ELA Coach**



First 60 Day Plan

April/May/June

- Meet w/school focus groups to collect baseline data and perceptions
- Complete baseline assessment
- Determine organizational management structures (programming, budget, calendar, etc.)
- Develop Leadership and Instructional Staffing Plan for SY 19/20
- Evaluate current personnel: interview and hire new leaders and teachers as necessary
- Analyze baseline assessment and feedback data for trends, strengths and needs
- Develop a feeder elementary model for aligning curriculum and instruction
- Plan summer and fall schedule of professional development and leadership training
- Develop communication plan with district and all stakeholders



YEAR ONE

THE WORK

Resource Inventory and **Management Plan** Development (revise 3-year innovation plan)

Evaluate current personnel and confirm **leadership and teaching staff** for SY19/20

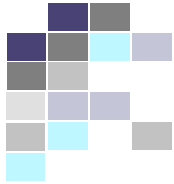
Leadership and Teacher **Coaching**

Community Engagement Activation

Social and Emotional Learning Launch

THE OUTCOMES

- Customized Management Plan
- Shared sense of purpose and urgency
- Staff, Student, Stakeholder Culture shift
- Consistency of high-quality instructional planning, execution, and accountability
- Collaborative plan implementation



YEAR TWO

THE WORK

Embed what is working and **celebrate early successes**

Achieve **execution focus** on top priorities

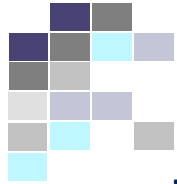
Intensify **instructional engagement** and accountability

Confirm **common language** around instruction and assessment

Accelerate **engagement of students, parents, and community** in changes

THE OUTCOMES

- Accelerated student achievement
- Accelerated teacher and leader performance
- Advanced community communications
- Dynamic implementation of school-based management plans



YEAR THREE

THE WORK

Deliver five-year plan for **sustained improvement** and innovation

Establish **future team** of top teachers and leaders

Realize shift to **high-performance culture** and commitment to “Every Student Succeeds”

Integrate **continuous community engagement** and support

THE OUTCOMES

- Off the clock by Fall, 2021
- Schools tracking towards CO “Performance” status
- College and career readiness achieved
- Culture of excellence and community commitment
- Student engagement and achievement leading in the district
- Internal capacity realized and begin MGT/UVA PLE exit plan



YEAR FOUR

THE WORK

Transition to five-year plan for **sustained improvement** and innovation (revise 3 year innovation plan)

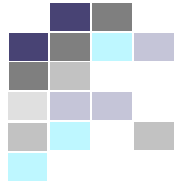
Working with **future team** of top teachers and leaders

Full shift to **high-performance culture** and commitment to “Every Student Succeeds”

Culture of **continuous community engagement** and support

THE OUTCOMES

- “Performance” rating by Fall, 2022
- College and career readiness achieved
- Culture of excellence and community commitment
- Student engagement and achievement leading in the district
- MGT/UVA PLE exit



MGT/ UVA PLE

Values...we share

Experience...that matters

Authentic **Partnership**

Proven **Process**

Results...Failure is not an option



Pueblo City Schools commitments

- Pueblo City Schools Board of Education is fully committed to supporting a full management partnership with MGT Consulting and UVA
- Next Steps: PCS BOE Action Item - MGT/UVA contract approval
Begin Partnership

Accountability Pathway for Heroes Academy K-8



Accountability Pathway for Risley International



Questions...

DATE FILED: May 10, 2019 4:18 PM
FILING ID: 6733390E95634
CASE NUMBER: 2019CV30298



Risley International Academy of Innovation and Heroes Academy (Pueblo City Schools)

Selection of External Management Organization for School Management

April 2019

Agenda

- CDE: Overview of the State Board of Education's order and the process
- Pueblo City Schools: Selection process and reasons for selecting MGT and UVA-PLE as the external management organization
- MGT: Management plan for Risley and Heroes
- State Board of Education: Questions and discussion, followed by a vote

Review of State Board Order

- Nov. 27, 2018 – State Board Order was signed
 - Local board is required to use *“an appropriate selection process to identify a public or private entity, other than the district, to wholly manage the schools”*
- February 13, 2019 - State Board of Education issued a deadline extension for identifying an External Manager
- At each step in the process, the local board is required to confer with CDE to ensure that:
 - The scope of work for which proposals are solicited aligns to the state board order;
 - The selected entity uses research-based strategies and has a proven track record of success working with schools under similar circumstances; and
 - The selected entity is qualified and willing to fulfill the duties and powers identified in the scope of work and in the state board order.

Review of State Board Order, Cont.

- Authority of management entity must include, but not be limited to the following areas:
 - Building-level personnel/staffing;
 - Professional development and training;
 - Implementing an instructional program;
 - Identifying needs for consulting and professional services;
 - Revising innovation plans;
 - School climate and culture;
 - Budgetary discretion; and
 - Such further authority as the manager reasonably needs to create systemic improvements in teaching and learning.

Timeline Outlined in Nov. 27 State Board Order

Dates	Activities
No later than April 26, 2019	Local school board will select a management organization that meets criteria in state board's order.
Following local board selection	The state board must vote to approve the selected manager, based on the factors outlined in the state board's order.
Within 30 days of state board approval	Local board will execute contract with approved manager and submit to CDE. CDE will advise the state board if the contract fails to satisfy terms of state board's order.
No later than July 1, 2019	Approved manager will begin work under the contract, continuing for a term of not less than 4 years.
During the term of contract	CDE will monitor implementation of order, including by making regular and unannounced site visits. CDE will also provide a report on the district and schools' progress to the local board on a bi-annual basis.

CDE's Role

- Met with district leadership throughout process to monitor progress and ensure alignment with the state board order at each step
- Determined the final Request for Proposals (RFP) aligned with the order
- Determined the review process would enable community engagement
- Observed the Stakeholder Review Team that evaluated the six received proposals and identified two finalists
- Attended the community forum where the two finalists presented and were interviewed
- Attended local board meetings

Thank You



DATE FILED: May 10, 2019 4:18 PM
 FILING ID: 6733390E95634
 CASE NUMBER: 2019CV30298

MEMO

TO: State Board of Education Members
 FROM: Alyssa Pearson, Deputy Commissioner and Brenda Bautsch, Accountability Specialist
 RE: CDE Review of Pueblo City Schools' External Management Organization Selection
 DATE: April 10, 2019

This memo provides an analysis by CDE of the proposal from Pueblo City Schools' selected external management organization (EMO) for Risley International Academy of Innovation and Heroes Academy: MGT of America Consulting, LLC, in association with the University of Virginia Darden/Curry Partnership for Leaders in Education (PLE). The memo is organized by the components of the [state board order](#) to describe the EMO's capacity to meet the specified requirements. The analysis relies on the information provided in MGT/PLE's proposal, presentations, response to questions, and other publicly available information.

1. Scope of work for which proposals are solicited aligns to the State Board of Education's order

Pueblo City Schools' Request for Proposals used language from the State Board of Education's order regarding the scope of work.

2. The selected entity:

A. Uses research-based strategies

MGT describes the core strategies it uses in their school improvement work and plans to use at Risley and Heroes. UVA cites research on developing effective turnaround leaders.

B. Has a track record of success working with schools under similar circumstances

MGT has been hired as external operator for Nocatee Elementary School in DeSoto County School District, Florida and as the emergency manager of Gary Community Schools Corporation, Indiana. The organization has experience in providing other school improvement services and planning support to schools across the country. UVA-PLE is a school leadership development program that has engaged with numerous schools throughout Colorado and other states.

MGT: Nocatee Elementary School, DeSoto County School District, Florida

- MGT began working as the external operator for the school in Fall 2018. The current 2018-19 school year is their first year operating the school, and thus



there is not statewide assessment data yet available. CDE has included some analysis of demographic and interim data in the attached data summary.

- In the proposal, MGT states that their work at Nocatee Elementary School includes “the development and execution of a transformation plan including mapping existing curriculum to state standards, a schedule for both coaching and professional development, as well as the design and development of interim assessments to individual student and class progress.” MGT further notes that they “have absolute authority over the administration and faculty at [Nocatee Elementary School] and maintain a daily presence in the school.”

MGT: Gary Community Schools Corporation, Indiana

- MGT began working as the emergency operator for the school district August 1, 2017, taking over full control of all district functions including academics, operations, and finance.
- The 2017-18 school year focused on stabilizing financial and operational problems, engaging the community and assessing academic needs.
- According to the Indiana administrative body overseeing the external takeover of GCSC, since the start of MGT’s work the budget deficit and district’s debt have been reduced, the IRS obligation was eliminated, a new middle school was opened, other schools were consolidated/closed, new student textbooks were purchased, employee pay and benefits were stabilized, and community meetings were regularly held. The Indiana State Legislature voted to continue MGT’s contract after the first school year (2017-18).
- Student performance in 2017-18 on state assessments showed mixed results. On average, proficiency rates declined for English Language Arts and math in grades 3-8 and grade 10, while the average growth scores on the accountability reports increased for those grades in both subject areas. More details are available in the data summary.
- CDE asked MGT to explain why some declines in proficiency were seen in their first year as emergency operator and when they anticipate seeing across-the-board improvements in student achievement. MGT responded:
 - In the first school year under Emergency Management, a compliant testing environment and testing standards were adopted and implemented throughout GCSC. An unstable testing environment and associated unstable testing standards in prior years, resulted in irregular baseline results. Using either 2017-18 or 2018-19 as the baseline for evaluation, our most focused efforts have been on the lowest performing students across all grade levels. This focus and emphasis resulted in higher increases in growth than in proficiency. As our improvement processes and training continue, increases in both growth and proficiency will be realized.
 - Improvement in proficiency and growth will occur in the 2018-19 [School Year]. Several factors will lead to improvement including professional development and training, small group learning during success periods constructed based on formative assessment data, and after school tutoring available to 100% of students.



MGT: Evidence of Success by Personnel Assigned to the Project

- Dr. Harry Bull (Colorado Project Manager)
 - Dr. Bull has served in numerous roles in education from teacher to district leadership in Cherry Creek School District since 1990. Most recently Dr. Bull served as its superintendent from 2013 to 2018.
- Dr. Babette Moreno (Risley On-Site Project Manager)
 - Dr. Moreno has served as an educational consultant for many projects as well as serving as a teacher, leader, and program manager at the school and district level for Houston ISD. Dr. Moreno currently serves as project director of the external operation of Nocatee Elementary School in De Soto County, Florida.
- TBD (Heroes On-Site Project Manager)
- Ms. Renee Reyes Garcia (Math Coach)
 - Ms. Reyes Garcia is a math consultant working with 2Partners math. Ms. Reyes Garcia has taught math K-6 and has served for many years as a math coach in Aurora Public Schools at both the school and district level K-12. Part of Ms. Reyes Garcia's current work is to consult in Pueblo in supporting math instruction across the district.
 - Ms. Reyes Garcia was a math teacher and coach who supported Vista Peak K-8, which improved from Priority Improvement to Performance.
- Ms. Sandra Damm (ELA Coach)
 - Ms. Damm has worked in multiple areas of education including consulting and professional development. From 2013 to 2016, Ms. Damm worked as an implementation specialist for the Arizona Department of Education working to support a caseload of turnaround schools. Ms. Damm references her work supporting Heritage Elementary K-8 as it increased its state rating from a D to a B rating.

Further data regarding MGT is provided in the attached data analysis document.

UVA: Colorado Schools

- Since 2011-12 school year, UVA has worked with 58 schools across eight school districts in Colorado including a mix of elementary, middle, and high schools. The engagement typically lasts two school years.
- Of the 58 schools, 30 schools are currently in either year one or year two of the partnership.
- Of the 28 schools with results past the second year of the partnership with UVA:
 - 16 moved up at least one plan type during the two year engagement (for 12 of those schools that meant being off the accountability clock at the end of the partnership).
 - 4 schools entered the engagement with a Performance plan type and maintained that status during the partnership.
 - 6 schools entered with a Priority Improvement or Improvement plan type and maintained that status during the partnership.
 - 2 schools dropped a rating from the beginning to the end of the partnership.



UVA: Other National Evidence Shared by UVA

- Over half the partner schools for UVA across 12 states saw double-digit gains in closing the gap with their state's average proficiency levels in student achievement in the two years of the partnership.
- Starting in 2014, UVA began working with Gallup McKinley County Schools in New Mexico. In 2014, 11 schools in the district had received a grade of F and only two schools received a B grade or higher. By 2016, the school district had no schools receiving an F grade and 11 schools were rated B or higher.
- UVA partnered with Fulton County Schools in Georgia to support the reform efforts of their new Achievement Zone of ten schools in need of improvement, as well as supporting the district overall. In 2018, the district decreased their number of "chronically failing schools" from 14 to 8, decreased their schools rated F from 28 to 18 and 38 schools increased by at least one letter grade.

3. **Selected entity is qualified and willing to fulfill the duties identified in the scope of work of the state board's order**

MGT/UVA-PLE cites its experiences in supporting low-performing schools across the country in explaining its qualifications to fulfill the scope of work (outlined below). The proposal specifies the structure of the team that will be devoted to fulfill this scope of work. Each school will have an on-site project manager and math and ELA coaches. The Colorado Project Manager will provide support to the Pueblo MGT/UVA-PLE team, and there are also several MGT consultants who may provide additional support and resources as needed. Resumes for the identified staff are included in MGT's follow-up materials and job descriptions were also shared for the position needing to be filled. MGT states that they fully expect to have all on-site staff selected by the April 10th state board meeting.

- A. **Building-level personnel/staffing:** The manager shall have authority over recruitment, staffing, and assignments of all personnel required to maintain the operations and carry out the educational program of the school.

The proposal states that the MGT team will work with the district "to review and interview potential candidates for instructional positions as well as hold individual interviews with the current staff to determine their interest and commitment to the project." MGT notes that they "will leverage their role to recommend staffing changes and placement of current and future site personnel and agreements affecting compensation and benefits of school staff."

- B. **Professional development and training.** This authority should include selecting and scheduling teacher professional development and mentoring administrators, including by providing coaching around instructional observation and feedback.

UVA-PLE will oversee professional development for leaders, which will consist of self-assessments, workshops, learning cohorts and individualized coaching. The proposal includes a theory of action for evaluating existing school leaders and recruiting new leaders, using UVA-PLE's turnaround leader competency assessment.



MGT has selected an English language arts coach and a math coach for the two schools. The coaches will lead professional development for teachers and staff and will model instructional strategies, as noted in the job description.

- C. **Implementing an instructional program.** This authority should include adopting/revising curriculum and assessment systems.

The proposal includes a clear plan for evaluating curriculum and identifying any gaps, facilitating deconstruction of standards and creating grade level and vertical maps. The proposal also includes a plan for professional development and collaborative meetings and a plan for developing assessments and a data analysis calendar.

- D. **Identifying needs for consulting and professional services.** This authority includes determining whether to retain ANet as a partner.

MGT has a history of working with other organizations in providing school improvement services. Regarding ANet, MGT-PLE states that “we welcome the opportunities to maintain relationships with other providers who are demonstrating success with the school. As one of the initial steps in planning, we will meet with the Achievement Network to establish our relationship and common understandings.”

- E. **Revising innovation plans.** The manager shall be authorized to evaluate and seek amendments to the school’s innovation plan, including identifying what further waivers the District should seek under the Innovation Schools Act to optimize student outcomes.

The proposal states that the MGT-PLE project manager will conduct a needs assessment and will correlate those findings with the current innovation plan. The management team will work with leadership to modify the innovation plan as needed.

- F. **School climate and culture.** The manager shall be authorized to create, change, and guide systems including student referral and discipline, multi-tiered systems of support, PBIS, restorative practice, and training regarding the same.

MGT describes that they use stakeholder surveys to assess climate and culture, and the survey results are used to determine which curriculum resources, trainings and programs are needed at the school. MGT states that they use the principles of restorative practices in establishing a positive school culture.

- G. **Budgetary discretion.** The manager shall have authority to manage the school’s budget adopted by the local board, including state and federal grant dollars that are allocated to the school by the local board.

MGT has experience managing school budgets through its work at Nocatee Elementary School and Gary Community School Corporation. MGT also conducted numerous “efficiency reviews” for school districts in Virginia, which included reviewing financial management practices and making recommendations for improvements.

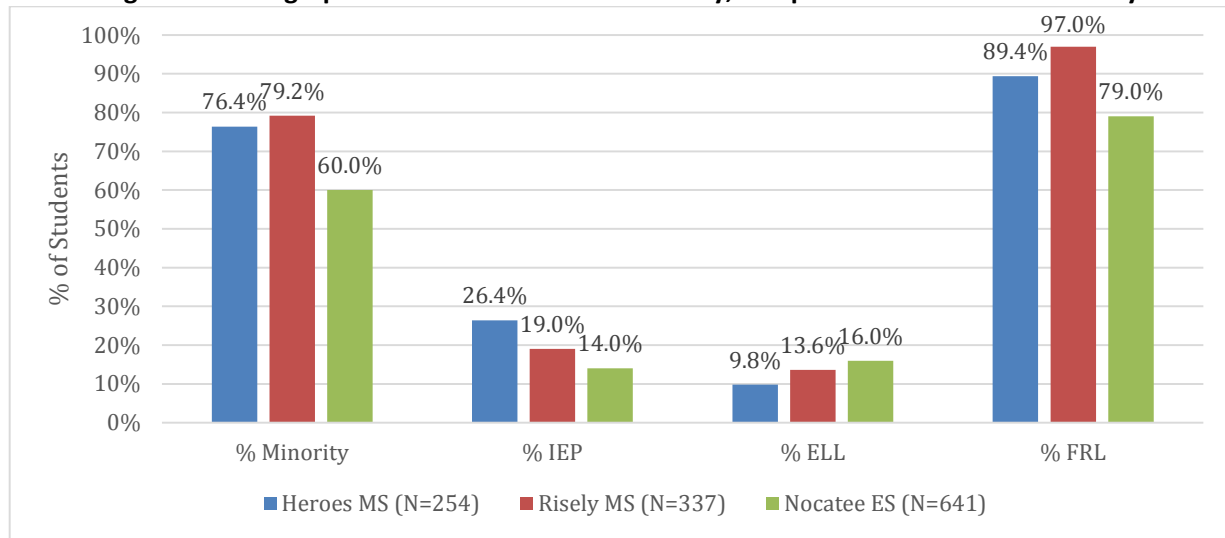


Data Analysis: MGT

Nocatee Elementary School, DeSoto County School District, Florida

- MGT started working as the external operator for Nocatee Elementary School in fall 2018. The current school year (2018-19) is their first year operating the school, and thus there is not statewide assessment data yet available.
- A comparison of demographic data is provided in Figure 1. Nocatee Elementary serves a slightly lower proportion of minority, free and reduced-price lunch (FRL), and IEP students than Heroes Middle Schools or Risley International Academy of Innovation. Nocatee Elementary serves a higher proportion of ELL students than Heroes or Risley.

Figure 1: Demographic Data for Nocatee Elementary, compared with Heroes and Risley



- MGT submitted December interim STAR assessment data for Nocatee Elementary School in their proposal and provided additional clarifications in their response to CDE's follow-up questions. Per the information submitted in the proposal, in reading, students scored above the December benchmark in Grades 2, 3, 4 and 5. In math, students were above the December benchmark in grades 4 and 5.

Gary Community Schools Corporation, Indiana

- MGT began working as the emergency operator for Gary Community Schools Corporation (GCSC) on Aug. 1, 2017 taking over full control of all district functions including academics, operations and finance. The 2017-18 school year focused on stabilizing financial and operational problems, engaging the community and assessing academic needs.
- In the first year of MGT emergency management (2017-18), student performance on state assessments showed mixed results. Per the information included in MGT's proposal, on average, proficiency rates declined for English Language Arts and math in grades 3-8 and grade 10, while the average growth scores on the accountability reports increased for those grades in both subject areas. MGT provided Table 1 demonstrating their first-year results:



Table 1: Data submitted by MGT summarizing scores on state assessments

CATEGORY	SUBJECT	GRADES	YEAR	SCORE	YEAR	SCORE
Proficiency	ELA	Grades 3-8	2016-17	31.5	2017-18	30.7
Proficiency	Math	Grades 3-8	2016-17	24.1	2017-18	18.4
Proficiency	ELA	Grade 10	2016-17	31.5	2017-18	30.7
Proficiency	Math	Grade 10	2016-17	24.1	2017-18	18.4
Growth	ELA	Grades 3-8	2016-17	77.1	2017-18	81.4
Growth	Math	Grades 3-8	2016-17	79.5	2017-18	80.2
Growth	ELA	Grade 10	2016-17	109.1	2017-18	123.6
Growth	Math	Grade 10	2016-17	114.0	2017-18	130.7

- More specific proficiency information by grade was found on the Indiana Department of Education's website:
<https://compass.doe.in.gov/dashboard/overview.aspx?type=corp&id=4690>.
 This data is shown in Table 2, below. As described in the memo above, MGT considers 2017-18 to be the baseline year of performance and expects to see improvements in 2018-19.

Table 2: Indiana State Assessment Results (Percent Passing) for Gary Community Schools Corporation

Subject	Grade	Year	Percent Passing	Year	Percent Passing
ELA- ISTEP+	3	2016-17	37.0%	2017-18	31.7%
ELA- ISTEP+	4	2016-17	27.9%	2017-18	26.8%
ELA- ISTEP+	5	2016-17	28.9%	2017-18	24.8%
ELA- ISTEP+	6	2016-17	29.2%	2017-18	27.2%
ELA- ISTEP+	7	2016-17	29.3%	2017-18	33.0%
ELA- ISTEP+	8	2016-17	23.9%	2017-18	32.3%
Math- ISTEP+	3	2016-17	24.2%	2017-18	17.4%
Math- ISTEP+	4	2016-17	22.3%	2017-18	19.4%
Math- ISTEP+	5	2016-17	31.6%	2017-18	26.3%
Math- ISTEP+	6	2016-17	18.5%	2017-18	11.6%
Math- ISTEP+	7	2016-17	14.3%	2017-18	5.8%
Math- ISTEP+	8	2016-17	18.4%	2017-18	15.5%
ELA	10	2016-17	33.1%	2017-18	38%
Math	10	2016-17	20.9%	2017-18	18.7%



- The growth data from 2016-17 on the Indiana Department of Education website (<https://learningconnection.doe.in.gov/GrowthModel/GrowthChart.aspx?cid=217&ay=2018&se m=1>) showed a median growth percentile in math and ELA in 2016-17 of 28. CDE requested the median growth percentiles by grade for 2016-17 and 2017-18 from the Indiana Department of Education as that information is not available on their website. The Indiana Department of Education sent the following information:

Table 3: Median Growth Percentiles for Gary Community Schools Corporation

Subject	Grade	Year	Median Growth Percentile	Year	Median Growth Percentile
ELA- ISTEP+	4	2016-17	17	2017-18	30
ELA- ISTEP+	5	2016-17	35	2017-18	36
ELA- ISTEP+	6	2016-17	33	2017-18	34
ELA- ISTEP+	7	2016-17	33	2017-18	44
ELA- ISTEP+	8	2016-17	31	2017-18	46
ELA	10	2016-17	54	2017-18	62
Math- ISTEP+	4	2016-17	19	2017-18	27
Math- ISTEP+	5	2016-17	36	2017-18	31
Math- ISTEP+	6	2016-17	28	2017-18	33
Math- ISTEP+	7	2016-17	23	2017-18	34
Math- ISTEP+	8	2016-17	37	2017-18	39
Math	10	2016-17	69	2017-18	80

- The graduation rate for Gary Community School Corporation declined slightly from 2017 (89.6%) to 2018 (87.3%). Indiana's statewide graduation rate in 2018 was 88.1%.
- Attendance within the school district decreased from 95.6% in 2016-17 to 91.1% in 2017-18.
- Overall, GCSC received a grade of "D" on the state's accountability report in both 2016-17 and 2017-18, although the points earned increased slightly from 63.0 points in 2016-17 to 64.6 points in 2017-18. See Figure 2 for a visual of the report.

Figure 2. Indiana Accountability Reports for Gary Community School Corporation**2016-17 Accountability Report**

Overall Summary			
	Points	Weight	Weighted Points
Performance Domain Grades 3-8	27.80	0.338	9.40
Performance Domain Grade 10	27.30	0.065	1.77
Growth Domain Grade 4-8	78.30	0.338	26.47
Growth Domain Grade 9-12	111.60	0.065	7.25
Multiple Measures Domain Grade 12	93.30	0.194	18.10
Overall points			63.0
Overall grade			D

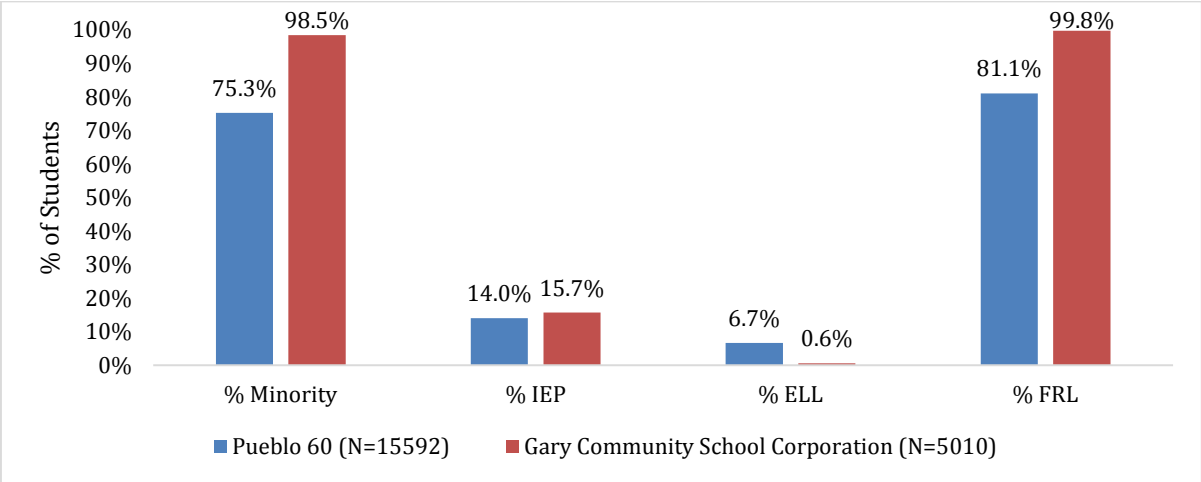
2017-18 Accountability Report

Overall Summary			
	Points	Weight	Weighted Points
Performance Domain Grades 3-8	24.20	0.347	8.40
Performance Domain Grade 10	30.30	0.061	1.85
Growth Domain Grade 4-8	80.80	0.347	28.04
Growth Domain Grade 9-12	127.20	0.061	7.76
Multiple Measures Domain Grade 12	100.60	0.184	18.51
Overall points			64.6
Overall grade			D



- A comparison of demographic data is provided in Table 4. Gary Community School Corporation serves a higher proportion of minority, IEP and FRL students than Pueblo 60, but a smaller proportion of ELL students.

Table 4: Demographic Data for GCSC, compared with Pueblo School District 60



**MASTER ENGAGEMENT AGREEMENT BY AND BETWEEN
MGT OF AMERICA CONSULTING, LLC AND
PUEBLO SCHOOL DISTRICT NO. 60**

DATE FILED: May 10, 2019 4:18 PM
FILING ID: 6733390E95634
CASE NUMBER: 2019CV30298

THIS MASTER ENGAGEMENT AGREEMENT (the "Agreement"), made and entered into as of April 11, 2019 (the "Effective Date"), by and between MGT of America Consulting, LLC, located at 4320 W. Kennedy Blvd, Tampa, FL 33609 ("MGT") and Pueblo School District No. 60 located at 315 W. 11th Street, Pueblo, CO 81003 ("District"), sets forth the parties' understanding pursuant to which MGT shall be engaged by District.

I. SCOPE OF WORK

MGT shall be responsible and accountable to the District for the administration, operation and performance of Risley International Academy of Innovation ("Risley"), a District school serving grades 6-8. MGT's responsibility is expressly limited by: (a) Risley's budget and staffing as approved and amended from time to time by the District's Board of Education, and (b) the availability of state funding to pay for its services. MGT agrees to wholly manage Risley in a full-time capacity and to report directly to the District's Board of Education ("Board"). As set forth in the Colorado State Board of Education's Order dated November 27, 2018 ("Order"), attached hereto as Exhibit A, the Board shall delegate to MGT all authority needed to fully manage Risley, subject to the limits of statute and the Colorado Constitution, and applicable case law. Per the Order, MGT's authority and responsibility includes, but is not limited to, the following areas:

1. **Building-level personnel/staffing.** The manager shall have authority over recruitment, selection of staff and assignments of all personnel required to maintain the operations and carry out the educational programs of the school; additionally, the manager shall supervise and evaluate the building principal;
2. **Professional development and training.** This authority should include selecting and scheduling teacher professional development and mentoring administrators, including by providing coaching around instructional observation and feedback;
3. **Implementing an instructional program.** This authority should include adopting/revising curriculum and assessment systems;
4. **Identifying needs for consulting and professional services.** This authority includes determining whether to retain ANet as a partner;
5. **Revising innovation plans.** The manager shall be responsible for implementation of the schools' innovation plans, including fully leveraging the plans as currently

EXHIBIT 8

approved and recommending any further waivers needed to optimize student outcomes;

6. **School climate and culture.** The manager shall be authorized to create, change, and guide systems including student referral and discipline, multi-tiered systems of support, PBIS, restorative practice, and training regarding the same;
7. **Budgetary discretion.** The manager shall have authority to manage the school's budget adopted by the local board, including state and federal grant dollars that are allocated to the school by the local board; and
8. **Other authority.** Such further authority as the manager reasonably needs to create systemic improvement in teaching and learning.

For those actions requiring formal action by the Board, the Board will give appropriate consideration to the recommendations of MGT and will not unreasonably withhold its approval.

MGT shall provide regular updates to the District's Board and to the State Board regarding the school's progress. MGT shall cooperate with site visits by staff from the Colorado Department of Education.

MGT shall provide educational programs that meet federal, state and local requirements, and the requirements imposed by the Agreement, unless such requirements are waived. The Board shall interpret federal, state and local requirements liberally to give MGT flexibility and freedom to implement its educational and management programs.

MGT agrees to timely notify the Board of any anticipated or known: (1) material health or safety issues, (ii) labor, employee or funding problems, or (iii) problems of any other type that could adversely affect the District in complying with its responsibilities under the Agreement, applicable law or the Order.

The specific scope of work of MGT's services hereunder (the "Services") shall be set out in Annexes to this Agreement. Each Annex, upon execution by both parties, shall by this reference be incorporated in and made part of this Agreement. In the event of any conflict between the terms of the Annexes and this Agreement, this Agreement shall control. Each Annex shall specify the services to be performed by MGT, key MGT staff members assigned to assist in the performance of such Services and the payment terms for such Services, as well as any other details specified by the parties. Should the parties mutually agree to change in any material way the Services as described in any Annex, an adjustment to MGT's fees and promised delivery dates for such Services may be required. MGT undertakes to advise District

promptly should any such adjustment be necessary and to negotiate with District in good faith to arrive at a mutually acceptable revision to the applicable Annex.

II. STAFFING

MGT shall assign such staff members as identified in the applicable Annex to perform the Services. Should any of the employees listed in an Annex be unable to perform the Services, MGT may substitute another similarly qualified staff member, subject to the District's consent, which shall not be unreasonably withheld. MGT may, from time to time and in its discretion, augment the listed staff as needed to perform the Services.

III. STANDARDS

MGT shall perform all Services in a diligent, safe, and workmanlike manner, using its best skill and judgment pursuant to the highest standards of the profession for the Services. MGT represents that the work performed will be in conformance with all applicable laws, statutes, rules, regulations, ordinances, codes and orders of any governmental bodies, agencies, authorities and courts. If MGT's performance does not conform to such standards and the District notifies MGT of same, MGT agrees to immediately take all action necessary to remedy the nonconformance. Any costs incurred by MGT to correct such nonconformance shall be at MGT's sole expense.

IV. FEES AND DISBURSEMENTS

MGT shall provide the Services for the professional fees set forth in the applicable Annex. Unless otherwise expressly stated in this Agreement, all necessary labor, licenses, materials, supplies, equipment, reimbursables, and other items necessary to complete the Services shall be part of and not in addition to the professional fees set forth in the applicable Annex.

All payments shall be paid upon receipt of the invoices, which shall be issued no more than once every thirty (30) days. Payment shall be made by direct deposit by electronic funds transfer to the financial institution designated by MGT in writing.

V. INDEPENDENT CONTRACTOR

MGT understands and acknowledges that this Agreement is a contract for services and that an employee-employer relationship does not exist between MGT and the District. MGT

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shall perform all Services using its judgment and expertise as an independent contractor and not as an employee of the District. Neither MGT nor any agent or employee of MGT shall be an agent or employee of the District nor shall any of them have any authority, express or implied, to bind the District to any agreement or incur any liability or obligation attributable to the District. **MGT acknowledges that it is not entitled to workers' compensation or other benefits from the District and that MGT is obligated to pay federal and state income tax on any moneys earned from the District pursuant to this Agreement.**

VI. USE OF WORK PRODUCT AND INFRINGEMENT CLAIMS

To the extent MGT creates any work product, including without limitation, MGT's notes, memoranda, photographs, spreadsheets, drawings, reports, data, submittals, and designs or plans or similar materials relating to the Services (collectively "Work Product"), the Work Product shall be delivered to the District upon the earlier to occur of the completion of the Services, termination of this Agreement by either party or material breach of this Agreement by MGT. Work Product shall become the property of the District and may be used by the District for any purpose. MGT shall defend and indemnify District from and against all suits, causes of action, or claims for infringement of any alleged patent rights, copyright, or trade secrets arising out of District's ownership or use of MGT's Work Product and shall indemnify the District from loss or liability on account thereof and shall pay any judgments or fees resulting therefrom, including, but not limited to, royalties, license fees, and attorneys' fees.

VII. SPECIAL PROVISIONS

Items checked in this Section are hereby incorporated into this Agreement as terms thereof:

- ☐ **Workers Compensation Insurance** shall be maintained to comply with Colorado statutory provisions, including any required flow down, occupational disease provisions for all employees per statutory requirements, and employer's liability, which must have limits of at least: \$100,000 per accident, \$100,000 disease, each employee and \$500,000 accident/disease policy limit. Such policy shall contain a waiver of subrogation in favor of the District. MGT shall also require each subcontractor to furnish workers' compensation insurance, including occupational disease provisions for all of the latter's employees, and to the extent not furnished, MGT accepts full liability and responsibility for subcontractors' employees.

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☐ **Professional Liability Insurance** shall be maintained with coverage limits for each occurrence or claim of \$2,000,000, if professional services are provided under this Agreement.

☐ **Comprehensive General Liability Insurance** shall be maintained to protect MGT from all claims for bodily injury, including death and all claims for destruction of or damage to property, including loss of use therefrom, arising out of or in connection with any operations under this Agreement, whether such operations be by MGT or by any subcontractor under it or anyone directly or indirectly employed by MGT or by a subcontractor. All such insurance shall be written with limits and coverages as specified below and shall be written on an occurrence form:

General Aggregate \$2,000,000

Products - Completed Operations Aggregate \$2,000,000

Each Occurrence \$1,000,000

Personal Injury \$1,000,000

This policy shall be primary insurance, and any insurance carried by the District, its officers, or its employees, or carried by or provided through any insurance pool of the District, shall be excess and not contributory insurance to that provided by MGT.

☐ **Comprehensive Automobile Liability Insurance** shall be maintained including coverage for liability arising out of any auto (including owner, hired, and non-owned autos), and including coverage for all power mobile equipment used by MGT on District property, with a combined single limit of \$1,000,000/person, \$1,000,000/accident, and \$1,000,000/property damage. Such insurance shall include a waiver of subrogation in favor of the District. This policy shall be primary insurance, and any insurance carried by the District, its officers, or its employees, or carried by or provided through any insurance pool of the District, shall be excess and not contributory insurance to that provided by MGT.

☐ **Certificates of Insurance** must be submitted to the District before starting work. Insurance certificates must show coverage of all checked insurance requirements, must contain an endorsement naming the District, the District's officers, board members and employees as additional insureds. All coverages required herein shall be continuously maintained through the Term of this

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Agreement, including any warranty periods, to cover all liability, claims, demands, and other obligations assumed by MGT pursuant to Section 9(b) of this Agreement. If the expiration date of the insurance certificate is prior to final completion, MGT shall provide a new certificate of insurance prior to thirty (30) days from the expiration of the current policy. In case of any claims made policy, the necessary retroactive dates and extended reporting periods shall be procured to maintain such continuous coverage. MGT shall require that all of its agents and subcontractors also comply with these insurance requirements. Any and all deductibles or self-insured retentions contained in any insurance policy shall be assumed by and at the sole risk of MGT.

☐ **Sales and Use Taxes.** The District is exempt from the payment of any state, and most municipal, sales and use taxes for materials, supplies, and equipment used in the performance of Services. MGT shall not include any of these taxes in any charges or invoices to the District.

☐ **Background Investigations and Finger Printing.** Any employee, contractor, agent or other representative of MGT whether or not in paid status must agree to be finger printed and submit for a background investigation if that MGT and/or employee, contractor, agent or other representative of MGT will provide direct services to District students or will have unsupervised access to any District student while performing the Services under this Agreement. In its sole discretion, the District may conduct a short-form background check of any employee, contractor, agent or representative of MGT who will have access to a school building while students are present and who thereby may have incidental contact with students while performing the Services in accordance with its volunteer policy. If needed and requested by District, MGT agrees to provide District with the dates of birth and social security numbers of its employees, contractors, agents or representatives in order to conduct this more informal background check.

VIII. TERM AND TERMINATION

This Agreement shall be effective from July 1, 2019("Effective Date") through June 30, 2023 (the "Expiration Date"), subject to earlier termination and appropriations as provided herein. District may not terminate the Contract pursuant to this Section before July 1, 2020. On or after July 1, 2020, this Contract may be terminated, in whole, for any good cause reason the District determines in its sole discretion is in its best interest. MGT shall not terminate this

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Agreement, without the written consent of the District, other than for nonpayment. Termination of services shall be affected by delivery to MGT of a Termination Notice at least ninety (90) days prior to the termination effective date, specifying the date on which such termination is to become effective. MGT shall be paid any and all payments due through the termination effective date. The District will conduct an audit to determine MGT's reasonable costs expended to the date of cancellation, or the District may determine MGT's cost based on a schedule of values or exact cost of any work performed. MGT will not be reimbursed for any anticipated profit. In the event of termination, MGT shall deliver to the District all Work Product.

IX. GENERAL PROVISIONS

A. Insurance Requirements

Notwithstanding any other provision of this Agreement, failure on the part of MGT to procure or maintain policies providing the required coverages, conditions, and minimum limits shall constitute a material breach of this Agreement for which the District may immediately terminate this Agreement or, at its discretion, the District may procure or renew any such policy or any extended reporting period thereto and may pay any and all premiums in connection therewith, and all money so paid by the District shall be repaid by MGT to the District upon demand, or the District may offset the cost of the premiums against any money due to MGT from the District. Any and all deductibles or self-insured retentions contained in any insurance policy shall be assumed by and at the sole risk of MGT.

B. Licenses, Taxes, Permits, and Fees

MGT shall obtain, at its own expense, all licenses and permits and pay all applicable taxes and fees, in the execution of the terms of this Agreement, including but not limited to excise tax, federal and state and local income taxes, payroll and withholding taxes, unemployment taxes, and worker's compensation payments for its employees, and shall indemnify and hold the District harmless for all claims arising under such taxes and fees.

C. General Indemnification

MGT agrees to indemnify, hold harmless and defend District, its agents, servants, volunteers, and employees from any and all claims, judgments, costs, and expenses

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including, but not limited to, reasonable attorney's fees, reasonable investigative and discovery costs, court costs and all other sums which District, its agents, servants and employees may pay or become obligated to pay on account of any, all and every claim or demand, or assertion of liability, or any claim or action founded thereon, arising or alleged to have arisen out of the products, goods or services furnished by MGT, its agents, servants or employees; the equipment of MGT, its agents, servants or employees while such equipment is on premises owned or controlled by District; or the negligence of MGT or the negligence of MGT's agents when acting within the scope of their employment, whether such claims, judgments, costs and expenses be for damages, damage to property including District's property, and injury or death of any person whether employed by MGT, District or otherwise.

The parties understand that under Colorado law, except in very limited circumstances, a public entity cannot indemnify a private entity. Accordingly, only to the extent permitted under Colorado law, District shall indemnify MGT and its present and former officers, directors, employees and agents (collectively, "Indemnitees") against any loss or expense (including, without limitation , attorneys' fees) which any Indemnitee may incur as the result of any claim, suit or proceeding made or brought against such Indemnitee or in which such Indemnitee is asked to participate, based upon any materials MGT prepares, publishes or disseminates for District and based upon information provided or approved by District prior to its preparation, publication or dissemination, as well as any claim or suit arising out of the nature or use of District's products or services or any Indemnitee's relationship with District, except for losses or expenses that result from any Indemnitee's negligence or willful misconduct.

D. Nondisclosure of Confidential Information

MGT will not disclose to any third person or entity any records or writings of the District, its employees or students, regardless of the form, that are protected by state or federal law and that may come into MGT's possession.

MGT shall ensure that it, its officers, employees and agents only use such confidential information in order to perform the Services, and shall not without District's prior written consent, disclose such information to any third-party nor use it for any other purpose; provided, however, that MGT shall have the right to disclose District's name and the general nature of MGT's work for District in pitches and business proposals.

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The above obligations of confidentiality shall not apply to the extent that MGT can show that the relevant information:

- i) was at the time of receipt already in MGT's possession;
- ii) is, or becomes in the future, public knowledge through no fault or omission of MGT;
- iii) was received from a third-party having the right to disclose it; or
- iv) is required to be disclosed by law.

E. Force Majeure

Neither party shall be liable to the other party for any loss or damage of any kind or for any default or delay in the performance of its obligations under this Agreement (except for payment obligations) if and to the extent that the same is caused, directly or indirectly, by fire, flood, earthquake, elements of nature, epidemics, pandemics, quarantines, acts of God, acts of war, terrorism, civil unrest or political, religious, civil or economic strife or any other cause beyond a party's reasonable control.

F. Exclusion of Liability caused by Political or Regulatory Decisions

While District has engaged MGT to assist it in dealing with certain regulatory or political decisions or actions that may adversely affect District's operations, and while MGT has agreed to provide such assistance, MGT cannot be held responsible for and cannot be held liable to District for any loss, damage, or other adverse consequence that may result from any regulatory or political decision or action being rendered against District or District's interests.

G. Governing Law and Venue

This agreement shall be governed by and construed and interpreted in accordance with the laws of the state of Colorado (irrespective of the choice of laws principles of the state of Colorado) as to all matters, including matters of validity, construction, effect, enforceability, performance and remedies. Venue for any dispute concerning the Agreement shall be exclusively in the federal court located in Colorado or the state court located in Pueblo County, Colorado.

H. Dispute Resolution Procedure

1. In the event of a dispute, controversy or claim by and between District and MGT arising out of or relating to this Agreement or matters related to this Agreement, the parties will first attempt in good faith to resolve through negotiation any such dispute, controversy or claim. Either party may initiate negotiations by providing written notice in letter form to the other party setting forth the subject of the dispute and the relief requested. The recipient of such notice will respond in writing within five (5) business days with a statement of its position on, and recommended solution to, the dispute. If the dispute is not resolved by this exchange of correspondence, then senior management representatives of each party will meet at a mutually agreeable time and place within fifteen (15) business days of the date of the initial notice in order to exchange relevant information and perspectives and to attempt to resolve the dispute. If the dispute is not resolved by these negotiations, the matter will be submitted to the Judicial Arbitrator Group in Denver, Colorado or other mutually agreeable independent mediation service. The mediation shall take place in Pueblo, Colorado, unless agreed otherwise. The parties understand that none of the above offers made on behalf of the District can be binding as the District is governed by a board which is subject to Colorado's sunshine law. Therefore, the parties understand that should any such offers be made, such offers are made subject to the consideration and possible approval or disapproval by the governing board of the District at a public meeting and in accordance with Colorado's sunshine law. Except as provided herein, no civil action with respect to any dispute, controversy or claim arising out of or relating to this Agreement may be commenced until the matter has been submitted for mediation. Either party may commence mediation by providing to the other party a written request for mediation, setting forth the subject of the dispute and the relief requested. The parties will cooperate in selecting a mediator and in scheduling the mediation proceedings. The parties will participate in the mediation in good faith and will share equally in its costs. The District may elect to pursue litigation for any dispute arising under this Agreement at any time. Mediation may continue after the commencement of a civil action, if the parties so desire. The provisions of this clause may be enforced in court.
2. As required by the Order, the parties acknowledge that for those actions requiring formal action by District's Board of Education ("Board"), the Board

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shall give appropriate consideration to the recommendations of MGT and not unreasonably withhold its approval. If the local board rejects MGT's recommendation and the issue is not otherwise resolved by the dispute resolution process in this Section, then the Board shall issue a reasoned, written explanation for its action in the form of a board resolution and shall provide the Colorado Department of Education ("CDE") with a copy of the resolution within 14 calendar days of board action.

I. Limitation of Liability

Notwithstanding anything else herein to the contrary, both parties mutually and forever waive the right to recover any consequential, incidental, indirect, special or punitive damages, including, without limitation, loss of future revenue, income or profits, in any legal proceeding(s) arising out of or relating to this Agreement. This waiver shall apply to legal actions sounding in both contract and tort and shall apply whether or not the possibility of such damages has been disclosed in advance or could have been reasonably foreseen. This provision shall not be interpreted to mean that, absent this provision, either party would have the right to recover any such damages.

J. Undocumented Worker

MGT certifies that it shall comply with the provisions of C.R.S. § 8-17.5-101 *et seq.* MGT shall not knowingly (i) employ or contract with an undocumented worker to perform work under this Agreement, (ii) enter into a contract with a subcontractor that knowingly employs or contracts with an undocumented worker to perform work under this Agreement, or (iii) enter into a contract with a subcontractor that fails to contain a certification to MGT that the subcontractor shall not knowingly employ or contract with a subcontractor that fails to contain a certification to MGT that the subcontractor shall not knowingly employ or contract with an undocumented worker to perform work under this Agreement.

K. Compliance with Law and District Policy

MGT shall abide by all laws, ordinances, rules, regulations, and orders of all governmental agencies or authorities having jurisdiction over the Services. MGT shall abide by all District policies and procedures, including without limitation, those related to the prohibited use and/or possession of alcohol, tobacco or firearms on District grounds. MGT shall at all times strictly enforce this prohibition among its own

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employees, agents or subcontractors and their employees, agents or subcontractors. The safety and health of MGT, MGT's employees and agents brought on District property, will be the sole responsibility of MGT.

L. Assignment

Neither party may assign any of its rights or delegate any of its duties or obligations under this Agreement without the express written consent of the other party. Notwithstanding the foregoing, MGT, or its permitted successive assignees or transferees, may assign or transfer this Agreement or delegate any rights or obligations hereunder without consent: (i) to any entity controlled by, or under common control with MGT, or its permitted successive assignees or transferees; or (ii) in connection with a merger, reorganization, transfer, sale of assets or change of control or ownership of MGT, or its permitted successive assignees or transferees.

M. Partial Invalidity

In the event that any provision of this Agreement shall be declared illegal or invalid for any reason, said illegality or invalidity shall not affect the remaining provisions hereof, but such illegal or invalid provision shall be fully severable and this Agreement shall be interpreted and enforced as if such illegal or invalid provision had never been included herein.

N. Notices

All notices required or permitted to be given pursuant to this Agreement shall be deemed given, if and when personally delivered, delivered by fax, with receipt confirmed, or courier or by overnight mail delivery, in writing to the party or its designated agent or representative at the address stated in the first paragraph of this Agreement or at another address designated by the party.

MGT of America Consulting, LLC
4320 W. Kennedy Blvd
Tampa, FL 33609

Attention: Louise Lopez, EVP Finance and Accounting

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If to District:

Pueblo School District No. 60

315 W. 11th Street

Pueblo, CO 81033

Attention: Charlotte Macaluso, Superintendent

O. Counterparts and Execution

This Agreement and any Annexes may be executed in counterparts, each of which when so executed shall be deemed an original and all of which together shall constitute one and the same instrument. The counterparts of this Agreement may be executed by electronic signature and delivered by facsimile, scanned signature, or other electronic means by any of the parties to any other party and the receiving party may rely on the receipt of this Agreement so executed and delivered as if the original had been received.

P. Survival

Sections IX.C., IX.D. and IX.H. of this Agreement and the payment obligations described in the Annex(es) shall continue notwithstanding the termination or expiration of the Agreement or any Annex(es).

Q. No Third-Party Beneficiaries

It is expressly understood and agreed that the enforcement of all terms and conditions of this Agreement and all rights and actions relating thereto shall be strictly reserved to the parties, and nothing herein shall give or allow any claim or right of action to or by any other person or third person to this Agreement.

R. Appropriation

Nothing herein shall constitute a multiple fiscal year obligation pursuant to Colorado Constitution Article X, Section 20. Notwithstanding any other provision of this Agreement, the financial obligations of the District under this Agreement are subject to annual appropriation by the governing body of the District.

S. Entire Agreement

This Agreement and attached Annex(es) constitute the entire and only agreement between the parties respecting the subject matter hereof. Each party acknowledges that in entering into this Agreement it has not relied on any representation or undertaking, whether oral or in writing, save such as are expressly incorporated herein. Further, this Agreement may be changed or varied only by a written agreement signed by the parties. Any purchase order provided by the District will be limited by, and subject to, the terms and conditions of this Agreement. Additional or contrary terms, whether in the form of a purchase order, invoice, acknowledgement, confirmation or otherwise, will be inapplicable, and the terms of this Agreement will control in the event of any conflict between such terms and this Agreement.

T. Immunities

The District retains all of its rights, immunities, and protections provided under the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*

[Signature page follows this page]

EXHIBIT 8

IN WITNESS WHEREOF, the parties hereto have executed this Master Engagement Agreement as of the date first above written.

AGREED TO AND ACCEPTED:

MGT OF AMERICA CONSULTING, LLC

PUEBLO SCHOOL DISTRICT NO. 60

Signature

Signature

Date: _____

Date: _____

Approved as to form:

Richard Bump, Caplan and Earnest LLC
Attorneys for Pueblo School District No. 60

**ANNEX NO. 1
TO MASTER ENGAGEMENT AGREEMENT DATED
AS OF APRIL 11, 2019**

This Annex No. 1 (this "Annex") to the Master Engagement Agreement (the "Agreement") by and between MGT of America Consulting, LLC ("MGT"), and Pueblo School District No. 60 ("District"), sets forth the parties' understanding pursuant to which MGT shall provide the below-specified Services to District.

I. SCOPE OF WORK

See Section I, Page 1 of the Agreement.

II. DELIVERABLES

Those items produced or provided by MGT as outlined in Section 1-8 under Scope of Work.

III. STAFFING

The following MGT staff members shall be assigned to assist in the performance of the above Services:

Colorado Project Manager: Dr. Harry Bull

Risley International On-Site Project Manager: Dr. Babette Moreno

Risley International Math Coach: 2 Partner Mathematics Consulting – Ms. Renee Reyes Garcia

Risley International ELA Coach: Ms. Sandra Damm

Leighann Lenti – University of Virginia Partners in Leadership Program

MGT may assign additional staff members as needed to address Agreement Scope. Staff assignments may reasonably change throughout Agreement term based on conditions required to achieve District objectives.

Upon execution by the parties, this Annex to the Master Engagement Agreement is incorporated by reference in and subject to the terms and conditions set forth in the Agreement.

AGREED TO AND ACCEPTED:

MGT OF AMERICA CONSULTING, LLC

PUEBLO SCHOOL DISTRICT NO. 60

Signature

Signature

Date: _____

Date: _____

Approved as to form:

Richard Bump, Caplan and Earnest LLC
Attorneys for Pueblo School District No. 60

EXHIBIT 8

ANNEX NO. 2 TO MASTER ENGAGEMENT AGREEMENT DATED AS OF APRIL 11, 2019

This Annex No. 2 (this "Annex") to the Master Engagement Agreement (the "Agreement") by and between MGT of America Consulting, LLC ("MGT"), and Pueblo School District No. 60 ("District") sets forth the parties' understanding pursuant to which MGT shall provide Services to the District in accordance with the following Budget and Compensation.

I. BUDGET AND COMPENSATION

The base budget and compensation for the 2019-2020 fiscal year is \$346,040.00, as more fully set forth in the attachment to this Annex No. 2. This amount shall include 178 days of on-site support as listed in the attachment to be provided from August 2019 through May 2020. In addition, between the Effective Date of the Agreement (April 11, 2019) and July 1, 2019, MGT will also provide six (6) days of on-site Executive Manager/Leader support (Dr. Harry Bull or Dr. Babette Moreno) without additional cost to the District on days that are mutually agreed to by the parties. The first of these days is currently anticipated to be April 16, 2019.

The District will also purchase 16 additional days of Executive Manager/Leader support during the 2019-2020 fiscal year to be provided by MGT on-site at the rate of \$2,600.00 per day for a total of \$41,600.00, which amount is inclusive of all other costs, expenses or reimbursements. The additional 16 days of on-site support will be provided between the Effective Date and the end of the current 2019-2020 school year on school days that are mutually agreed by the parties.

At request of the District, MGT also agrees to provide on-site executive leadership coaching support and services at the rate of \$2,600.00 per day, inclusive of all other costs, expenses, or reimbursements. The parties agree to coordinate the dates for these services in advance to assure the availability of MGT personnel.

At request of the District, MGT also agrees to provide on-site academic consultant support services (literacy or math coaching or professional development for teachers) at the rate of \$1,600.00 per day, inclusive of all other costs, expenses, or reimbursements. The parties agree to coordinate the dates for these services in advance to assure the availability of MGT personnel.

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Without further approval by the District, as provided by law and district policies, the total budget and compensation, including the discretionary support that may be requested by the District above, shall not exceed a total of \$424,000.00 during the remainder of the 2018-2019 fiscal year and the 2019-2020 fiscal year combined.

Upon execution by the parties, this Annex No. 2 to the Master Engagement Agreement is incorporated by reference in and subject to the terms and conditions set forth in the Agreement.

AGREED TO AND ACCEPTED:

MGT OF AMERICA CONSULTING, LLC

PUEBLO SCHOOL DISTRICT NO. 60

Signature

Signature

Date: _____

Date: _____

Approved as to form:

**Richard Bump, Caplan and Earnest LLC
Attorneys for Pueblo School District No. 60**

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COST PROPOSAL PER SCHOOL FOR ALL SERVICES INCLUDING 184 DAYS OF ON-SITE SUPPORTS

	Milestones and Tasks		Project Budget
SPRING 2019	1.0	Project Initiation*	\$11,000
	2.0	Data Review*	\$18,000
	3.0	Resource Inventory, Assessment, and Mapping*	\$21,000
	4.0	Additional Executive Manager Days* (@ \$2,600 Day)= (16 Days)	\$41,600
FALL 2019	5.0	<u>On Site Supports (178 days):</u> Colorado Director: 10 days Leadership EM: 84 days Math Coach: 42 days Literacy Coach: 42 days	\$278,040
		Aug 2019-May 2020 UVA-PLE \$36,000 <ul style="list-style-type: none"> ● District Readiness Assessment Fall 2019: (\$20,000) <ul style="list-style-type: none"> ○ 3 days on site in Pueblo City and one debrief phone call ● Multiple virtual consultations (~4) to build Implementation Plan over winter 2019-early spring 2020 ● District boot camp March 2020 (\$5,000/participant – recommend 4) <ul style="list-style-type: none"> ○ 4 days on site in Charlottesville, VA ● Competency Based Leadership Development (Behavior Event Interviews) spring 2020 (can be pre or post boot camp) <ul style="list-style-type: none"> ○ 4-5 days on site in Pueblo City, CO ● Embedded, tailored support and spring launch visit May 2020 (\$6,000) <ul style="list-style-type: none"> ○ 1 day on site in Pueblo City 	
	6.0	Community Stakeholder Engagement and Facilitation	\$18,000
		Total Inclusive all of Professional Fees and Expenses	\$387,640

*Completed Spring of 2019 (April-June 30). Includes 6 days of Executive Management (on site)